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TO  
SIR ROBERT HART, BART  
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## PREFATORY NOTE

THE aim of the compiler of the record contained in this volume has been to present the events occurring on the selected scene, and during the selected period, in the light of history. Other writers have undertaken the task. Some have been handicapped by a strong desire to support a case, and to prove either that the Chinese have always been in the right in the points in dispute between them and the Western nations, and that the Western powers have invariably played the bully, or else that the Western powers have always shown the greatest forbearance, and have acted in China's best interest; while others have tied their record of historic events within the covers of a biography, and have been chiefly concerned to show that their hero could do no wrong. Writers of all classes have been impelled to make much of salient and picturesque events, such as the imprisonment of the foreign merchants and the seizure of the opium in 1839, and the episode of the *lorcha Arrow* in 1856, and to make but passing reference to the humdrum events of the intervening years.

The present author's intention has been to give the events of the period such relative importance as they deserve; to lay no undue stress on picturesque episodes, even though they might help to lighten the narrative; and, knowingly, to omit none of those minor occurrences which, dull and uninteresting though they might be, were still important elements in moulding the opinions and guiding the actions of the principal actors on the scene. It has further been his aim to give an original authority or to cite a reference for every statement made, the truth or completeness of which might in any way be questioned.

To present the Chinese case we have no yellow-books

or other authoritative source of information; but fortunately we have in the pages of the Chinese Repository translations of many of the Chinese state documents of the period, and we may assume that access to the original records would give us but little further light on the subject.

The author's thanks are especially due, among all others, to the British Foreign Office for its courtesy in allowing access to the despatches of the time, and for permitting the publication of the despatches, hitherto unpublished, throwing light on many important occurrences, which will here be found among the Appendices.

H. B. M.

EWELL, October 1910.

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- 1517 or later. Portuguese (Mascarenhas) reach coast of Fukien.
- 1545. Slaughter of Portuguese at Ningpo.
- 1549. Slaughter of Portuguese at Chinchew.
- 1552. Francis Xavier dies at Shangchuen.
- 1557. Portuguese settle at Macao.
- 1567. First recorded Russian embassy (Petroff and Yallysheff) to Peking.
- 1573. Chinese enclose Macao by a wall.
- 1575. Spanish first arrive at Canton.
- 1603. Spanish slaughter Chinese at Manila.
- 1604. Dutch ship first arrives at Canton.
- 1619. Russian embassy (Pettlin) arrives at Peking.
- 1622. Dutch under Rayerszoon attack Macao unsuccessfully, and then proceed to the Pescadores.
- 1624. Dutch abandon the Pescadores and occupy Formosa.
- 1637. English under Weddell first arrive at Canton.
- 1639. Spanish slaughter Chinese at Manila.
- 1655. Russian embassy (Baikoff) arrives at Peking.
- Dutch embassy (Goyer and Keyzer) arrives at Peking.
- 1660. French despatch first ship to Canton.
- 1662. Dutch expelled from Formosa.
- 1664. Dutch embassy (van Hoorn) arrives at Peking.
- 1667. Portuguese embassy arrives at Peking.
- 1670. English open trade at Amoy and in Formosa.
- 1685. Imperial edict permits foreign trade at all ports.
- 1689. English open trade at Canton.
- Russians (Golovin and Wlasoph) conclude with Chinese the treaty of Nipchu or Nerchinsk.
- 1693. Russian embassy (Ides) arrives at Peking.
- 1702. Emperor's merchant appointed sole broker for foreign trade at Canton.
- 1705. Papal legate (Tournon) arrives at Peking.
- 1715. English (E.I.C.) factory established at Canton.
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- 1724. Roman Catholic priests expelled from China.
- 1727. Portuguese embassy (Metello) arrives at Peking.
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 1782. Debts to foreigners paid off.  
 Canton Co-hong reorganised and re-established.  
 1784. First American ship arrives at Canton.  
 Sailor of *Lady Hughes* executed for death of Chinese.  
 1792. Russian envoy signs commercial convention of Kiakhta.  
 1793. English embassy (Macartney) arrives at Peking.  
 1795. Dutch embassy (Titsingh and van Braam) arrives at Peking.  
 1796. Edict prohibiting opium-smoking.  
 1800. Edict prohibiting importation of opium.  
 1802. British troops occupy Macao; Chinese protest.  
 1806. Russian ship at Canton forbidden to trade.  
 1807. Chinese dies at hands of sailors of *Neptune*; Sheen fined.  
 Robert Morrison arrives at Canton.  
 1808. British occupy Macao; withdraw in face of Chinese protest.  
 1814. H.M.S. *Doris* captures American ship *Hunter*, taken to Macao.  
 Publication of Morrison's dictionary undertaken.  
 1816. English embassy (Amherst) arrives at Peking.  
 H.M.S. *Alceste* forces the passage of the Bogue.  
 1821. Terranova, sailor on American ship *Emily*, executed for death of a Chinese.  
 Chinese killed in attack on landing-party from H.M.S. *Topaze* at Lintin; surrender of sailors refused.  
 1829. Hong merchants' numbers increased; debts to be liquidated.  
 1831. English enjoined to appoint a chief on abolition of E.I.C. monopoly.  
 Insult to portrait of British sovereign at English factory.  
 1833. Outrage by James Innes in house of Chinese official.  
 Aug. First issue of Chinese monthly periodical by C. Gützlaff.  
 1834. March 22nd. First English "free ship" with "free teas" leaves Canton.  
 April 22nd. Monopoly of trading of E.I.C. ceases.  
 July 15th. Lord Napier arrives at Macao.  
 July 25th. Lord Napier arrives at Canton.  
 July 26th. Lord Napier sends to city gate a letter addressed to viceroy.  
 Aug. 1st. Robert Morrison dies at Canton.  
 Aug. 18th. Viceroy orders Lord Napier to return to Macao.  
 Sept. 2nd. Viceroy stops English trade, and proclaims non-intercourse.

1834. Sept. 21st. Lord Napier leaves Canton.  
Oct. 11th. Lord Napier dies at Macao. Mr. J. F. Davis becomes Chief Superintendent.
1835. Jan. 19th. Sir George B. Robinson becomes Chief Superintendent.  
Feb. 1st. Captain Elliot, Third Superintendent, mobbed at city gate when presenting letter.  
April 11th. Exchange of Spanish, Mexican, Bolivian, Peruvian, and Chilian dollars regulated.  
Aug. 20th. Steamer *Jardine* arrives at Canton under canvas from Aberdeen.  
Nov. 25th. Office of Chief Superintendent removed from Macao to Lintin.
1836. June. Memorial of Hsü Nai-tsi recommending legalising the opium trade.  
Sept. Viceroy and governor approve proposal.  
Oct. Counter-memorials of Chutsun and Hsükiu.  
Nov. 23rd. Several foreign merchants, charged with being concerned in the opium trade, ordered to leave Canton.  
Dec. 14th. Captain Charles Elliot becomes Chief Superintendent, and informs the viceroy by a petition sent through the Hong merchants.  
Dec. 22nd. Viceroy replies, criticising Chief Superintendent's title and ordering him to remain at Macao until the Emperor's wishes are known.  
Dec. 28th. Captain Elliot replies acquiescing in order.
1837. March 20th. Permit granted to Captain Elliot to proceed to Canton.  
April 12th. Chief Superintendent and suite arrive at Canton.  
April 22nd. Captain Elliot demands that orders of viceroy be addressed to him directly and not sent through Hong merchants.  
April 25th. The viceroy refuses, and Captain Elliot acquiesces.  
June 12th. Lord Palmerston instructs Captain Elliot to insist on direct communication, without mediation of Hong merchants, and forbids use of word "petition."  
(Instructions received Nov. 21st.)
- Aug. 4th, 7th. { Viceroy and governor jointly send orders  
Sept. 18th, 19th, 29th. { through Hong merchants requiring Captain Elliot immediately to send away all vessels anchored at Lintin, Kapsingmoon, Kumsingmoon, and elsewhere outside Canton.
- Nov. 17th. Captain Elliot replies that he has control only over English ships and only those engaged in regular trade at Canton.  
Nov. 21st. Instructions of June 12th received. Communication with viceroy interrupted.  
Dec. 2nd. Captain Elliot strikes his flag at Canton and withdraws to Macao.
1838. April. Kwo Si-ping strangled at Macao for connexion with opium-smuggling.  
July 25th. Captain Elliot returns to Canton, having a permit.  
July 28th. Schooner *Bombay* fired on and stopped by Bogue forts to ascertain if Admiral Maitland, or his soldiers or sailors, or any women were on board.

1838. Aug. 5th. Admiral Maitland protests against firing on *Bombay*; Chinese disavow action.  
 Dec. 3rd. Seizure of opium in front of foreign factories. Trade stopped.  
 Dec. 12th. Attempt to execute Chinese opium dealers in front of the factories; riot ensues.  
 Dec. 23rd. Captain Elliot resumes communication by petition.
1839. Jan 1st. Trade at Canton reopened.  
 Jan. 7th. Proclamation at Canton prohibiting opium-smoking.  
 Feb. 26th. Chinese opium dealer strangled in front of factories; all foreign flags struck.  
 March 10th. Lin Tse-sü, Imperial commissioner, arrives at Canton.  
 March 18th. Foreigners ordered to surrender opium and sign bonds for future conduct.  
 March 19th. Foreigners prohibited from leaving Canton.  
 March 27th. Captain Elliot requires surrender of British-owned opium.  
 May 21st. Surrender of opium completed.  
 May 24th. British subjects leave Canton.  
 June 5th. Captain Elliot places embargo on British trade.  
 July 7th. Lin Wei-hi killed in affray at Hongkong.  
 Aug. 25th. British expelled from Macao.  
 Aug. 31st. Commissioner Lin calls on villagers to arm.  
 Sept 12th. Spanish brig *Bilbaino* burned at Macao.  
 Nov. 3rd. Naval action at Chuenpi. War opens.  
 Nov. 26th. British trade prohibited for ever.
1840. June 28th. Blockade of Canton river established.  
 June 30th. Admiral Elliot and Captain Elliot sail for the north.  
 July 5th. Tinghai on island of Chusan occupied.  
 Aug. 15th. English plenipotentiaries arrive at the Peiho.  
 Aug. 30th. Interview with Kishen, viceroy of Chihli.  
 Sept. 15th. Plenipotentiaries leave the Peiho.  
 Nov. 6th. Armistice declared for province of Chekiang.  
 Nov. 29th. Admiral Elliot, invalided, returns to England.
1841. Jan. 7th. Batteries of Chuenpi and Taikoktow captured. Armistice.  
 Jan. 20th. Convention signed by Captain Elliot and Kishen. Hongkong ceded.  
 Jan. 30th. Convention denounced by Chinese government.  
 Feb. 23rd. Hostilities renewed.  
 Feb. 25th. Proclamation issued offering rewards for English heads.  
 Feb. 26th. Bogue batteries captured.  
 March 20th. Suspension of hostilities. Trade reopened.  
 April 30th. Convention of Jan. 20th denounced by British government.  
 May 21st. Renewal of hostilities at Canton.  
 May 27th. Convention signed. Canton ransomed.  
 June 7th. Hongkong declared a free port.  
 June 14th. First sale of land at Hongkong.  
 Aug. 10th. Sir H. Pottinger, sole plenipotentiary, arrives.  
 Aug. 26th. Amoy taken and occupied.  
 Oct. 1st. Tinghai taken and occupied.  
 Oct. 10th-13th. Chinhai and Ningpo taken and occupied.

1842. Feb. 16th. Hongkong declared a free port. Also Tinghai.  
 Feb. 27th. British government offices transferred to Hongkong.  
 May 18th. Chapu taken; severe loss to Manchu garrison.  
 June 16th. Wusung batteries taken.  
 June 19th. Shanghai occupied.  
 July 21st. Chinkiang taken; Manchu garrison exterminated.  
 Aug. 9th. Plenipotentiaries arrive at Nanking.  
 Aug. 29th. Treaty of Nanking signed.
1843. June 26th. Ratifications of treaty exchanged. Cession of Hongkong proclaimed.  
 July 22nd. General Regulations of Trade published.  
 Oct. 8th. Supplementary treaty of the Bogue signed.  
 Nov. 17th. Shanghai opened to foreign trade.
1844. July 3rd. American treaty of Wanghia signed.  
 Oct. 24th. French treaty of Whampoa signed.  
 Dec. 28th. Imperial rescript issued granting toleration to Christianity.
1845. July 25th. Belgium granted right to trade.
1846. Jan. 16th. Kiyung joins popular party in denying access to Canton.  
 April 4th. Convention signed at the Bogue: entrance to Canton deferred.  
 July 8th. Riot at Canton.
1847. March 7th. First despatch of emigrants by foreign ship from Amoy.  
 March 12th. Foreigners mobbed at Fatshan.  
 March 20th. Treaty signed with Sweden and Norway.  
 March 23rd. Amoy pirates handed by English to Kiyung.  
 April 3rd. Canton taken by British forces.  
 April 6th. Agreement made: right of entrance to Canton deferred for two years.  
 Dec. 5th. Six Englishmen murdered at Hwangchuki (Canton).
1848. March 8th. Three Englishmen mobbed at Tsingpu (Shanghai).
1849. March 5th. Chinese Customs expelled from Macao.  
 April 6th. Right of entrance to Canton city denied.  
 April 25th. Governor Amaral threatens Chinese leaving Macao with confiscation of property.  
 Aug. 22nd. Governor Amaral assassinated by Chinese soldiers.  
 Aug. 24th. Mr. Bonham protests against denial of right of entry.  
 Sept.—Oct. British naval forces destroy 81 pirate junks.
1850. Jan. 16th. Governor Amaral's head returned by order of viceroy.  
 June. Mr. Bonham's protest rejected at Taku.
1851. May 29th. Treaty with Russia signed at Aigun.  
 Aug. 27th. Taiping forces capture Yunganchow (Kwangsi).
1852. April 7th. Taipings break out from Yunganchow.  
 Sept. 18th. Siege of Changsha begun by Taipings; raised Nov. 30th.
1853. Nov. 21st. Emigration riot at Amoy.  
 Jan. 12th. Wuchang taken by Taipings.  
 March 19th. Nanking taken: Manchu garrison massacred.  
 May. Taiping army marches north.  
 May 18th. Rebels capture Amoy.  
 July 5th. Yellow River changes its course.  
 Sept. 7th. Triads capture city of Shanghai.  
 Oct. 28th. Taiping army of north reaches Tuliu (Tientsin).

1853. Nov. 11th. Rebels capture Foochow.
1854. Feb. Taiping army of north retires from Tuliu.  
 March 6th. Sailors removed from American schooner at Shanghai.  
 April 4th. Battle of Muddy Flat (Shanghai).  
 July. Rebels capture towns close to Canton.  
 Sept.-Oct. Unsuccessful attempts at treaty revision.  
 Oct. 15th. Foreign envoys ungraciously received at Taku.  
 Dec. 6th. Triads in Shanghai attacked by French.
1855. Feb. 17th. Shanghai city evacuated by Triads.  
 March. Taiping army of north withdraw from Lintsingchow.
1856. Feb. 29th. French missionary Chapdelaine murdered at Silin (Kwangsi).  
 June. Hostile placards at Canton.  
 July. American envoy makes unsuccessful attempt at treaty revision.  
 Oct. 8th. Sailors removed from British lorch *Arrow* at Canton.  
 Oct. 23rd-29th. Canton attacked by Admiral Seymour.  
 Nov. 20th-22nd. Americans silence and dismantle Barrier forts (Canton).  
 Dec. 15th. Canton factories destroyed by Chinese.
1857. March. Shanghai currency changed from dollar to tael.  
 June 1st. Action of Fatshan (Canton).  
 June 26th. Portuguese convoying lorchas destroyed by Chinese at Ningpo.  
 July 2nd. Lord Elgin arrives at Hongkong.  
 Aug. 7th. Canton River blockaded by English; by French, Dec. 12th.  
 Oct. 16th. Baron Gros arrives at Hongkong.  
 Dec. 29th. City of Canton captured by allies.
1858. Jan. 4th. Commissioner Yeh made prisoner; sent to Calcutta.  
 Jan. 9th. Mixed commission appointed to govern Canton.  
 Feb. 26th. Simultaneous notes of four foreign envoys delivered at Soochow.  
 April 20th. Foreign envoys arrive at Taku.  
 May 20th. Taku forts occupied by allies.  
 May 29th. Russian treaty of Aigun signed.  
 June 13th. Russian treaty of Tientsin signed.  
 June 18th. American treaty signed.  
 June 26th. British treaty signed.  
 June 27th. French treaty signed.  
 Oct. Taipings break out from Nanking.  
 Nov. 8th. Tariff and Rules of Trade signed by Lord Elgin; by Baron Gros, Nov. 24th.
1859. May. Ratifications of Russian treaty exchanged at Peking.  
 June 20th. Mr. Bruce, M. de Bourboulon, and Mr. Ward at Taku.  
 June 25th. Taku forts forcibly resist passage of envoys by the Peiho.  
 July 28th. American envoy arrives at Peking.
1860. Aug. 16th. Ratifications of American treaty exchanged at Peitang.  
 March 8th. Ultimatum sent to Peking by British and French envoys.  
 March 19th. Taipings capture Hangchow; great slaughter.  
 April 6th. Ultimatum rejected by China.

1860. May 3rd. Taipings break out from Nanking; retake Chinkiang.  
June 2nd. Taipings occupy Soochow. "Ever Victorious Army" organised.  
July 9th. Lord Elgin arrives at Talienwan.  
July 10th. Baron Gros arrives at Chefoo.  
Aug. 1st. Allied forces land at Peitang.  
Aug. 12th. Allied forces defeat Mongol cavalry at Sinho.  
Aug. 18th. Allied forces repulse Taiping attack on Shanghai city.  
Aug. 21st. Taipings withdraw from Shanghai. Allied forces take Taku forts.  
Aug. 25th. Allies occupy Tientsin.  
Sept. 14th. Composition arranged with Chinese at Tungchow.  
Sept. 18th. Ambuscade at Changkiawan; Mr. Parkes and others made prisoners.  
Sept. 21st. Sengkolintsin defeated at Palikiao. Prince Kung appointed plenipotentiary.  
Oct. 6th. French forces occupy and plunder Yuenmingyuen.  
Oct. 13th. Peking surrendered to allies.  
Oct. 18th. Palace of Yuenmingyuen burned by order of Lord Elgin.  
Oct. 24th. British convention of Peking signed; ratifications of treaty of 1858 exchanged.  
Oct. 25th. French ditto, ditto.  
Nov. 14th. Russian convention of Peking signed.





## NOTE

### CURRENCY

The tael (Tls.) is the ounce of China, weighing from 525 to 585 grains; as currency it is a tael of silver of a weight and fineness dependent on the banking convention of the city concerned. During the period covered by this volume the tael of Canton was worth 6s. 8d. (£1 = Tls. 3). The tael of Shanghai is worth 10 per cent. less.

The dollar (\$) during the period covered by this volume is always the Spanish (Carolus) dollar, with an intrinsic value of 4s. 2d., and an exchange value in China ranging from 4s. 6d. upwards.

### WEIGHT

The picul is  $133\frac{1}{2}$  lb. av. or 60·453 kilogrammes.

The catty is  $1\frac{1}{2}$  lb. av. or 604·53 grammes.

The tael is  $1\frac{1}{2}$  oz. av. or 37·783 grammes.

One picul =  $1\frac{1}{2}$  cwt. English =  $1\frac{1}{2}$  cwt. American.

16·8 piculs = 1 long ton.

15·0 „ = 1 short ton.

16·54 „ = 1 metric ton.

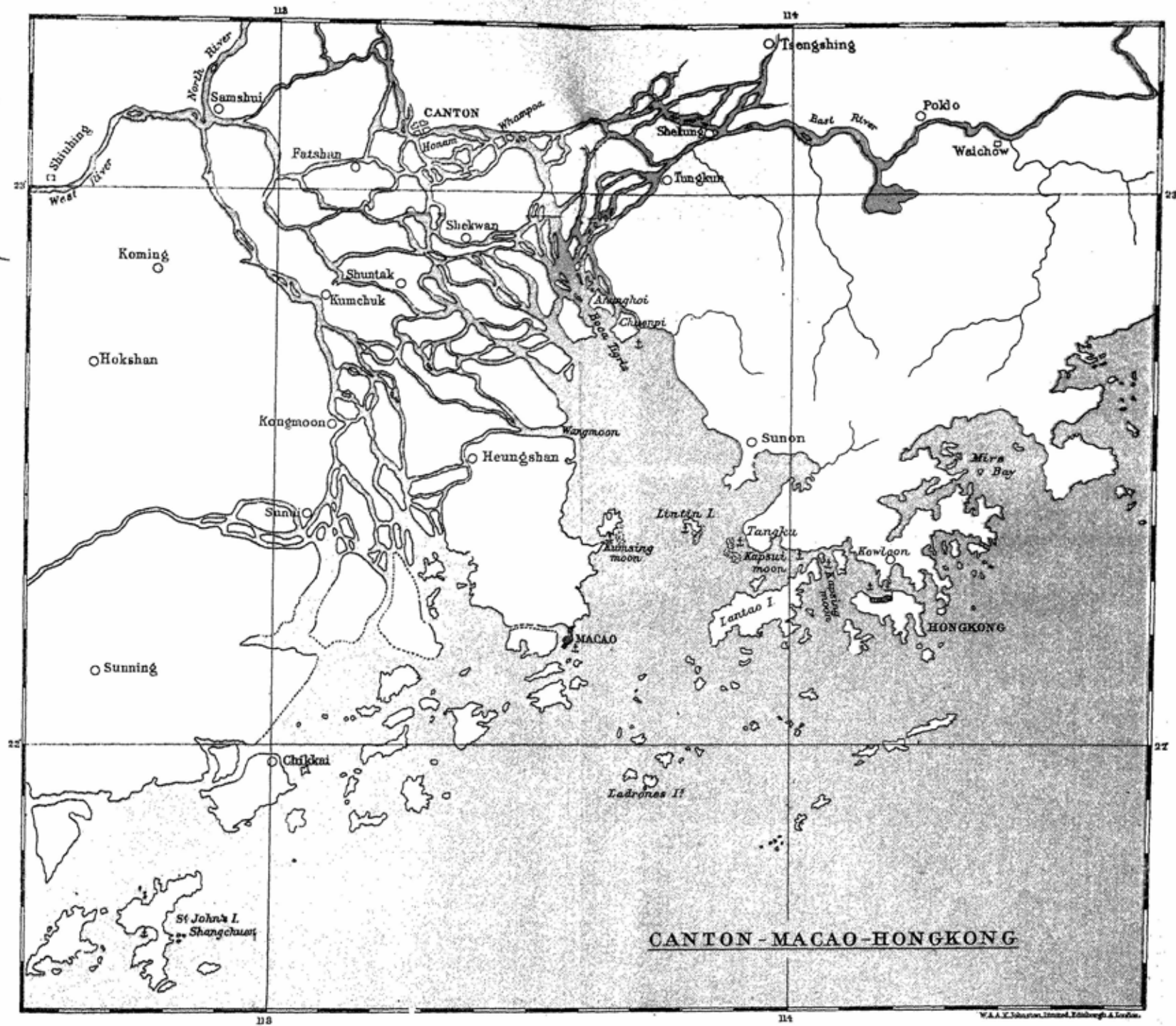
### LENGTH

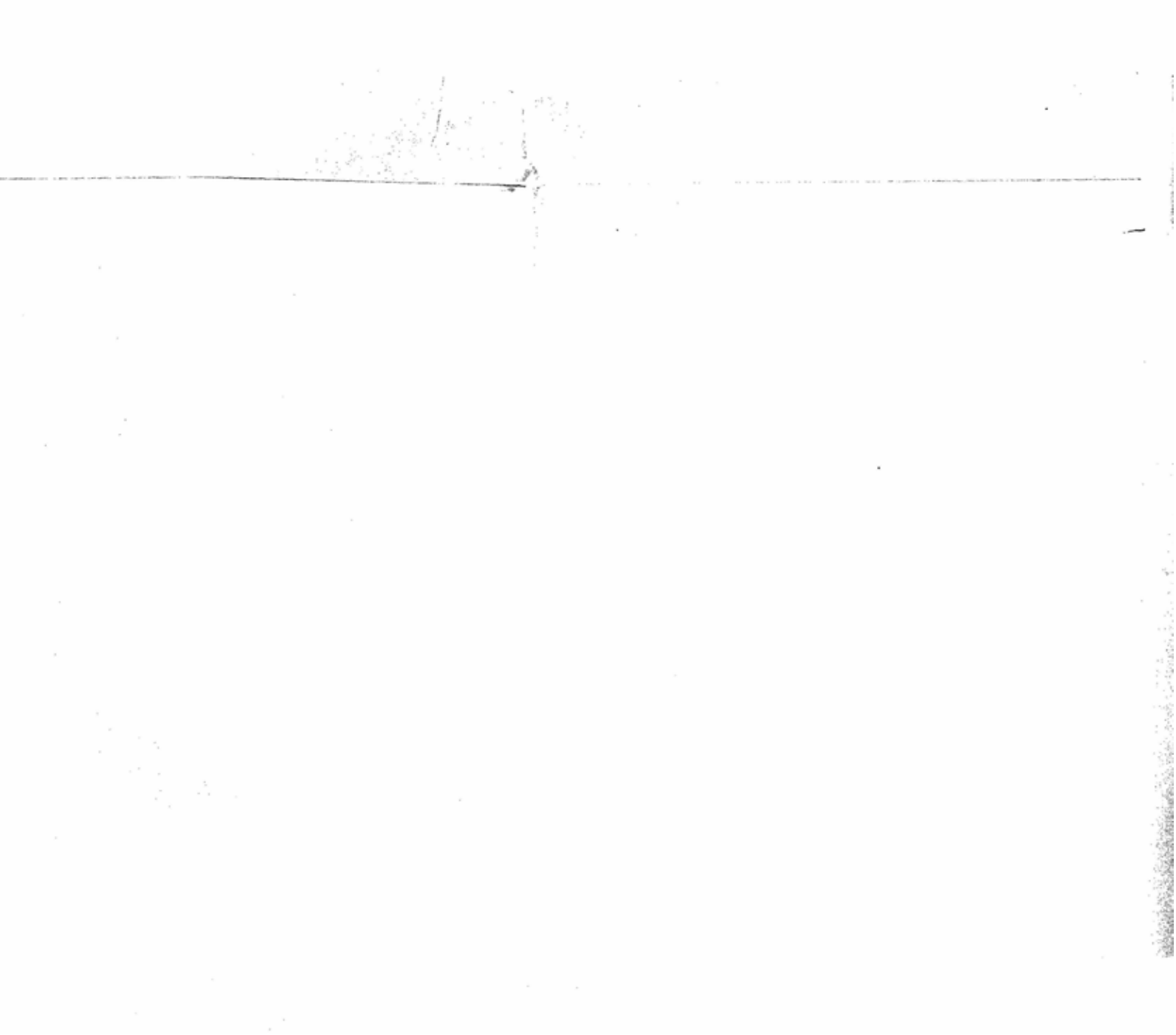
The li is nominally  $\frac{1}{2}$  mile or  $\frac{1}{2}$  kilometre.

The “foot” or “coid” or “cubit” is 14·1 English inches.

The chang is 141 English inches.







# The International Relations of the Chinese Empire

## CHAPTER I

### THE GOVERNMENT OF CHINA<sup>1</sup>

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§ 1. THE government of China is an autocracy, strongly based on conquest, and exercising in theory all the rights which

<sup>1</sup> In writing this chapter the author has drawn largely from the chapter on the Government in his work "The Trade and Administration of the Chinese Empire," London, 1908.

conquest gives; it works through a bureaucracy which, with some feeble and ineffective restraint from above, and with but small power of coercing the people collectively, exercises still a vast power, and is held accountable for its acts to a very limited degree; and autocracy and bureaucracy together govern, by oriental methods, a people which, as manifested in the life of the gild and the village, has the essentials of a democracy. For a thousand years continuously, with an interlude of three centuries (A.D. 1368-1644) under the native dynasty of the Ming, China has been ruled, in whole or in part, by conquerors from the north. Each invading horde of barbarian Tartars swarmed in turn upon the fertile land to the south; for some their advance stopped at the Yellow River, others exercised their rule as far south as the Yangtze, others again, as the Yuen dynasty of the Mongols (Moguls), A.D. 1280-1368, and the present Tsing dynasty of Manchus, A.D. 1644, extended their dominion to the extreme southern confines of the empire. Differ as they might, however, in the method or extent of their conquest, in one respect they were alike: rude unlettered tribes of fighters, they found themselves charged with the responsibility of administering the government of a wealthy and highly civilised community, a task for which they were quite incompetent; they could hold by force, and they could exact tribute, but for the details of constructive administration they were not qualified. Rome could conquer and govern Gaul, and could impose on the Gauls her higher civilisation, but the Franks were soon absorbed in the conquered race; and the Chinese, more highly civilised and with greater administrative capacity, either absorbed their conquerors, as has been the case with the once virile, but now effete, Manchus, or brought about a change of rulers, as happened after less than a century of dominion of the rude and unabsorbable Mongols.

§ 2. Whether the conquerors accepted or resisted absorption, the result was the same: the daily life of the people went on unaltered, and the fabric of government and methods of administration were submitted to but small change on each recurring change of dynasty. The people continued to follow immemorial custom, and to administer the petty affairs of a farmer's and a trader's life, as their forefathers had been wont to do; and the bureaucratic system, the system of the official

subject to no code of laws and all-powerful within the limits of his jurisdiction, prevailing in all oriental countries, has prevailed and continues to prevail in China. The Manchu dynasty of the Tsing, coming to power in the seventeenth century, was based primarily on force of arms; but even their conquests were effected by armies composed as much of Chinese troops, stiffened by Manchu battalions and led by Manchu officers, as of the all-conquering Manchu bowmen. In their civil government the Tsing emperors and their Manchu advisers recognised that their own people, unlettered and without inherited training in the science of governing, were unequal to the task of providing an administration which could stand by its own strength; and from the very beginning, before the smoking ruins which marked their military progress were cold, they not only continued the system and forms of their predecessors, but associated with themselves in the administration the literate class of their Chinese subjects; and the mode of living and customs of the people remained unchanged. Garrisons were established at certain strategic points to maintain the conquest, certain posts in the central government were reserved for Manchu nobles and leaders, certain "milking" posts were created to tap the wealth of the provinces, and the court, the Manchu nobles and the Manchu garrisons at Peking and elsewhere, were maintained by tribute drawn from the provinces. Apart from this, the government of the country has been more in the hands of the Chinese than of their conquerors, and the civil service has been a *carrière ouverte aux talents*. Some allowance must be made for the predilection of the ruling powers for men of their own race, and it is only natural that, in the exercise of patronage, Manchus should be somewhat preferred. At the outset of the period covered by this history, from 1834 on, it will be found that many of the higher officials, sent to keep the foreigners in order, were of the Manchu race; but this preference is now shown less frequently than in the past, as the Manchus have become more and more assimilated in thought and in training to the Chinese, and of late years the proportion of Manchus holding Imperial appointments in the provinces has not exceeded one-fifth, while the numerous and important extra-official posts created by modern conditions are seldom held by Manchus.



among them are the eight "iron-capped" (or helmeted) princes, direct descendants by rule of primogeniture of the eight princes who co-operated in the conquest of China; to them is added the descendant of the thirteenth son of Kanghi. Certain Chinese families also enjoy hereditary titles of nobility, chief among them the Holy Duke of Yen (the descendant of Kung-fu-tze or Confucius), Marquis Tseng (from Tseng Kwo-fan), Marquis Li (from Li Hung-chang). None of these titles carry with them any special privileges.

§ 7. **Metropolitan Administration.**—The central government of China is not so much an administrative and executive head of the body politic as a means of control and check. The visible machinery of government is indeed of exactly the type which should provide a most efficient administration, but in practice it is seldom that a constructive policy has originated in the capital of the empire, and the Imperial ministers have ordinarily contented themselves with approving or disapproving action as reported, and in supporting or negating proposals of policy coming from the viceroys and governors.<sup>2</sup> The oriental system is a system of checks, partly designed to protect the foreign and tribute-levying dynasty from its officials of native race, and partly intended to prevent the excess of independence, of which an oriental ruler has always so great a fear, and which an oriental subordinate is so apt to develop. These checks the Imperial ministers apply by minute regulations, and it is their task to see that these are adhered to; they further have in their hands the power of recommending for appointment, promotion, or dismissal; they have also the power provided by the tribute they levy from all the provincial officials, without which the latter have no security of tenure; and they are a compact body in a central position for the exercise of intrigue. They have great powers of criticism, and can restrain

<sup>2</sup> W. F. Mayers, "The Chinese Government," p. 12.

"There are, you know, a hundred things provincials ought to do which the central offices will never order them to do. The effort at centralisation is all right enough as regards great and grave international questions; but, even in them, *local* considerations are not fully weighed, and local authorities are not duly considered. The Chinese idea is for the locality to *initiate*, and for the central authority to (1°) wink at, (2°) tacitly permit, (3°) openly allow, (4°) officially recognise, and (5°) crystallise. It is useless to attempt—except where outside force does it—to get the central offices to *order* the adoption of *novelties*."—Private letter of Robert Hart, dated Aug. 3rd, 1871, penes me,

an impetuous or too progressive official, but of forward movement there are few signs of any emanation from Peking during the period covered by this volume. The powers of the central administration are distributed among several ministries and numerous minor departments, but of the latter only those having a direct influence in shaping the policy of the empire will be described.

§ 8. Next to the person of the Emperor, and above all other agencies<sup>3</sup> of the government, are two superior Councils.

The *Nui-Ko*, Inner Cabinet, commonly called Grand Secretariat, was the Supreme Council of the empire under the Ming dynasty; but since the middle of the eighteenth century has degenerated into a Court of Archives. Active membership is limited to six, and confers the highest distinction attainable by Chinese officials. The Grand Secretaries have the title of *Chung-tang*, "Central Hall" (of the Palace). Six honorary titles were once attached to the Grand Secretariat—Grand and Junior Preceptor, Tutor, and Guardian; but of these the last only is now conferred as Junior Guardian of the Heir-Apparent, and that not limited to one incumbent or to Grand Secretaries.

The *Kün-Ki-Chu*, "Committee of National Defence" or "Board of Strategy," commonly called the Grand Council, is the actual Privy Council of the sovereign, in whose presence its members, not usually exceeding five in number, daily discuss and decide questions of Imperial policy. Its members usually hold other high offices, generally that of President of a Board.

§ 9. The actual administration of Imperial affairs was, in the period 1834–1860, in the hands of the six Boards:

1. *Li Pu*, Board of Civil Office, the dispenser of patronage, controlling appointment to all posts in the regular hierarchy of the civil service, from District Magistrate (*Hien*) up.

2. *Hu Pu*, Board of Revenue, controls the receipt and expenditure of that portion of the revenue and tribute which comes to Peking, or is under the control of the central administration.

<sup>3</sup> As far as possible the branches of the central and provincial administration and their working will be described as they existed in 1834.

3. *Lee Pu*, Board of Ceremonies, an important ministry at an Asiatic court.

4. *Ping Pu*, Board of War, controls the provincial forces only, and even them through the viceroys and governors, who are in direct command. The Manchu military forces are controlled by their own organisation attached to the palace. This Board also controls the courier service.

5. *Hing Pu*, Board of Punishments, a department of Justice for criminal law only, and dealing especially with the punishment of officials guilty of malpractices.

6. *Kung Pu*, Board of Works, controlling the construction and repair of official residences throughout the empire, but having no concern with canals or conservancy, roads or bridges.

These Boards are organised on the same plan. Each has two Presidents, of whom one is by law Manchu and one Chinese. Viceroys have, ex-officio, the honorary title of President of a Board, usually of the Board of War. Each Board has also four Vice-Presidents, two being Manchu and two Chinese. Governors of provinces have, ex-officio, the honorary title of Vice-President of a Board, usually of the Board of War. They all have an equipment of secretaries, overseers, assistants, etc., quant. suff., and are divided into sub-departments according to their needs.

§ 10. Other departments of the government exist at Peking, with functions not limited to any one Board or one branch of the affairs of state, but only the more important need be mentioned :

*Li-Fan Yuen*, Mongolian Superintendency, controls the relations with Tibet and the Mongol tribes and princes. Until 1858 Russian affairs, as concerning the Mongolian frontier, were referred to this office.

*Tu-Cha Yuen*, "Court of Investigation," commonly called the Court of Censors. Viceroys have the honorary title of President, and governors of Vice-President, of the Censorate. The "Censors" remind one somewhat of the Censors and somewhat of the Tribunes of ancient Rome; their duty is to criticise, and this duty they exercise without fear, though not always without favour.

*Tung-Cheng Sze*, "Office of Transmission," deals with memorials to the throne.

*Ta-Li Sze*, "Court of Revision," exercises a general supervision over the administration of the criminal law.

*Han-Lin Yuen*, "College of Literature," exercised control over the education of the empire until superseded in 1903 by the Board of Education, and continues to exist as a memorial of a glorious past. It is also charged with the custody and preparation of the historical archives of the dynasty, but many of its records were burnt in 1900.

§ 11. **The Provincial Administration.**—The provinces, in actual practice in the past and in theory to-day, occupy a semi-autonomous position vis-à-vis the Imperial government; in some aspects they may be said to be satrapies, in others to resemble the constituent states of a federation. Either comparison is too sweeping, however, without careful study of the differences, and the distinction must always be remembered between the Occident, which insists on local self-government, and the Orient, which is always governed by the strong hand. The provinces are satrapies to the extent that, so long as the tribute and matriculations are duly paid and the general policy of the central administration followed, they are free to administer their own affairs in detail, as seems best to their own provincial authorities. So far does provincial autonomy go that we shall find, in the course of this history, that before, and for many years after, 1834, the Imperial government struggled hard to keep clear of all contact with foreign affairs, and required that their discussion and the decision of them should be left absolutely to the officials in the provinces. With much latitude in the exercise of their power, many restrictions are imposed on the individual officials.

§ 12. All officials in the provinces, down to District Magistrate, are appointed from Peking; for the lower posts the provincial authorities may, and do, recommend, but it is Peking which appoints, and it is only the central government which can promote, transfer, or cashier. This keeps the provincial officials, from the highest to the lowest, in a proper state of discipline. Appointment to one post is made usually for a term of three years. For officials low in rank the rule is almost universally followed; they may be reappointed once, but at the end of their second triennial term at latest they must

strike root afresh in new surroundings, and, incidentally, must again contribute to the maintenance of their superiors, as is explained in the next chapter. To some especially lucrative posts appointments are ordinarily made for one year only. Another restriction is peculiar to China, and is never relaxed: no civilian official is ever appointed to a post in the province of his birth. The military are an exception, but they exercise little influence, and Manchuria was, up to 1907, governed by Manchus; otherwise the rule is invariable. The Chinese never voluntarily abandon the homestead, or surrender their interest in the ancestral shrine, and every official is an alien to the people he rules, often unable to understand the dialect they speak. He brings his family connexions with him as secretaries and purveyors, but otherwise he is surrounded by aliens. No Hupeh man may hold an official post in Hupeh, nor Kiangsu man in Kiangsu. Another practice is a matter of policy rather than of rule, and is only possible in a country where all appointments are made by a central authority. Parties exist in China as in other countries, and, as in other countries, are as often the following of a man as of a principle. In the exercise of patronage at Peking the principle of *divide et impera* in the provinces is followed in this as in other ways. For three decades from 1860 there were two great parties in China—the Hunan men and their adherents, following Tseng Kwo-fan and later Tso Tsung-tang, and the Anhwei men and their adherents, following Li Hung-chang and Li Han-chang; and the men of the other provinces, disregarding provincial lines, ranged themselves with one or other of these parties. Latterly the Canton party, ultra-progressive, after a check in 1898, has again come to the front. In making provincial appointments care is always taken to balance these parties, and in the general administration, exercising their functions at the provincial capital, an official will seldom be of the same party as his immediate superior or his immediate subordinate, while the appointments to prefectures and magistracies will be fairly divided between the parties. This, of course, implies that the emperor is able to maintain the same balance of influence in his ministries, apart from the equilibrium maintained between Manchu and Chinese. In the provinces further equilibrium is maintained by the occasional appoint-

ment of Manchus, who are above party, except that of the Manchus.

§ 13. With all these balances and checks much more may be left to the local authority; and, so long as the province furnishes its quota towards the maintenance of the Imperial government, and preserves a semblance of order, or settles its disturbances with the means at its disposal, it is left to go its own way and have a quasi-autonomy. But, while these rights are granted, and direct governance is reduced to a minimum, there is also an absence of direct oversight and of holding the provinces responsible for the due performance of their duties. If a breach of the Yellow River occurs in Honan, the Honan authorities must attend to it; but it is no part of their duty to so direct the work of restoration that the adjoining province of Shantung shall not suffer; that is the concern of the Shantung authorities. If a rebellion in Kwangsi is held in check, and the rebels, cornered, escape across the Hunan border, "e'en let him go, and thank God you are rid of a knave"; they are then the affair of the Hunan authorities. Salt-smugglers on the border between Kiangsu and Chekiang have a merry time dodging back and forth across the border, and are brought to book only on the rare occasions when the two provinces loyally join forces. This will be remedied with further centralisation of power; but we are dealing with China as it has been.

§ 14. The administrative organisation of each of the provinces is much the same, and the duties of each of the officials will now be described.

*Tsung-tu*, commonly called Chihtai, Governor-General, ordinarily styled Viceroy, though there is nothing in the office or its title of the viceregal idea. He is the highest in rank of the civilian officials of the provincial administration, but in theory ranks after, though he is not subordinated to, the Tartar-General, when one is stationed within his viceroyalty; and he has control over the military forces, other than the Manchu garrison, within his jurisdiction. In some cases he is actually Governor, though with the power and rank of Governor-General, of one province only; in others he has jurisdiction over two or three provinces, each of which may have its own governor; and still other provinces, each with its governor,

are subordinated to no governor-general. The distribution is shown by the following table :

**METROPOLITAN PROVINCE :**

Chihli . . . No Governor ; Chihli (Tientsin) Viceroy.

**THREE ADJOINING PROVINCES :**

Shantung . . .	Governor	} under no Viceroy
Shansi . . .	Governor	
Honan . . .	Governor	

**OUTLYING PROVINCES :**

Kiangsu . . .	Governor	} Liang-Kiang (Nanking) Viceroy.
Anhwei . . .	Governor	
Kiangsi . . .	Governor	
Shensi . . .	Governor	} Shen-Kan Viceroy.
Kansu . . .	Governor	
Fukien . . .	Governor	} Min-Che (Foochow) Viceroy.
Chekiang . . .	Governor	
Hupoh . . .	Governor	} Hu-Kwang (Wuchang) Viceroy.
Hunan . . .	Governor	
Kwantung . . .	Governor	} Liang-Kwang (Canton) Viceroy.
Kwangsi . . .	Governor	
Yunnan . . .	Governor	} Yun-Kwei Viceroy.
Kweichow . . .	Governor	
Szechwan . . .	No Governor ; Szechwan Viceroy.	

For the eighteen provinces there are thus eight Viceroy, and originally fifteen Governors, now (since 1905) reduced to eleven. The Viceroy, though of higher rank and looming larger in the eyes of the world, is in the provincial administration a superior colleague to the Governor, and in all matters, orders to subordinate, or memorials to the throne, the two act conjointly.

*Sün-fu*, commonly called Futai, the "Inspector" or Governor. He is the supreme head of the province, except in so far as his action is restricted by the presence of a viceroy. The post has been abolished (in 1905) in those provinces in which a viceroy resides.

*Pu-cheng Shih-sze*, commonly called Fantai, Provincial Treasurer, with some of the functions of a Lieutenant-Governor. He is the nominal head of the civil service in each province, in whose name all patronage is dispensed, even when directly bestowed by the governor ; and he is treasurer of the provincial exchequer, in this capacity providing the Imperial government with a check on his nominal superior, the governor.

*An-cha Shih-sze*, commonly called Niehtai, Provincial Judge.

He is charged with the supervision over the criminal law, and acts as a final (provincial) court of appeal in criminal cases, and has jurisdiction over offences by provincial officials. He also supervises in a general way the Imperial courier service.

*Yen-yün Shih-sze*, Salt Comptroller, in some provinces, and *Yen-yün Tao*, Salt Intendant, in other provinces, control the manufacture, movement, and sale of salt under the provincial gabelle, and the revenue derived from it.

*Liang Tao*, Grain Intendant, in twelve of the eighteen provinces, controls the collection of the grain-tribute, in kind or commuted.

The last four officials, the *Sze-Tao* (or as many of them as may be found in the province) next below the governor, constitute, ex officio, the *Shanhowkü*, "Committee of Reorganisation," a deliberating and executive Board of provincial government; and the six enumerated above form the general provincial administration, residing at the capital, except that the *Chihli Viceroy* now (since 1870) resides at *Tientsin*, and the *Liang-Kiang Viceroy* has his seat at *Nanking*.

§ 15. The unit for administrative purposes within the province is the *Hien*, or district, as will be explained below; two or three or more (up to five, or six) districts collectively form a *Fu* or prefecture; and two or more prefectures are placed under the jurisdiction of a *Taotai*. There are also two other classes, the *Chow* and the *Ting*, each of two kinds; the *Chow* and the *Ting* proper are a superior kind of *Hien*, being component parts of a *Fu*; the *Chihli-chow* and *Chihli-ting* are an inferior kind of *Fu*, both having as direct a relation to the provincial government as a *Fu*, but the latter distinguished from the *Fu* by having no *Hien* subordinated to it.

*Fen-sün Tao*, the "Sub-Inspector," commonly translated Intendant of Circuit, and usually called *Taotai*, has administrative control over a circuit comprising two or three *Fu*, or sometimes one or two *Fu* and a *Chihli-chow* or a *Chihli-ting*, and is in certain matters the intermediary of communication between them and the provincial government; but the circuit is not an official division of the province, and is nowhere marked on any map. He is the civil authority in control of the military forces within his jurisdiction, and as such is distinguished from Salt and Grain *Taotais* by the title *Ping-pei Tao*, "the *Taotai*



(in charge) of military preparation." He is usually the Superintendent (colleague of the Commissioner) of the Custom House, if any, within his circuit, and is then styled Kwan Tao, "Customs Taotai"; but this is not the case in the Kwangtung ports, where formerly the Hoppo, and since 1904 the Viceroy, is superintendent, now in the Fukien ports, for which the Tartar-General holds the post. At Tientsin there is a special Customs Taotai in addition to the territorial Taotai.

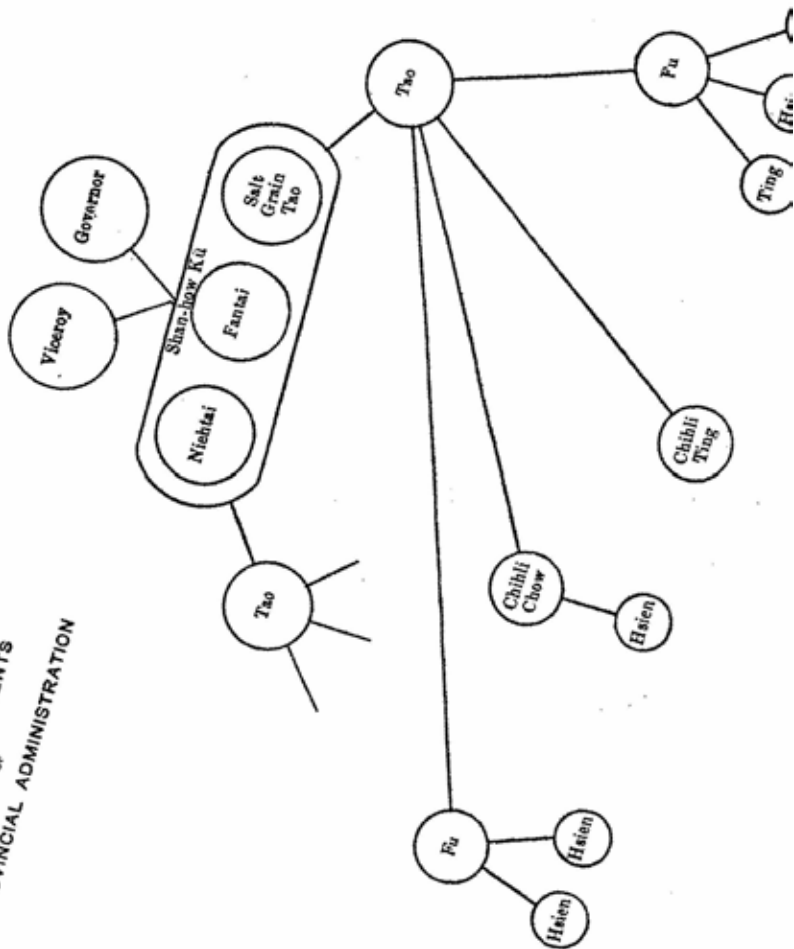
*Chih-fu*, the "Knower of a Fu or Prefecture," commonly translated Prefect. He is supervising officer of the largest political division within a province, the Fu, of which each province has from seven to thirteen, with a total of 183 for the eighteen provinces. He deals more with the external relations of his Fu than with its internal administration, and is more a channel of communication than an executive officer, but acts as a court of appeal from the Hien's court. He has no separate Fu city, but the Hien city in which he resides is known generally by the Fu name, though on Chinese maps both the Fu and Hien names are printed.

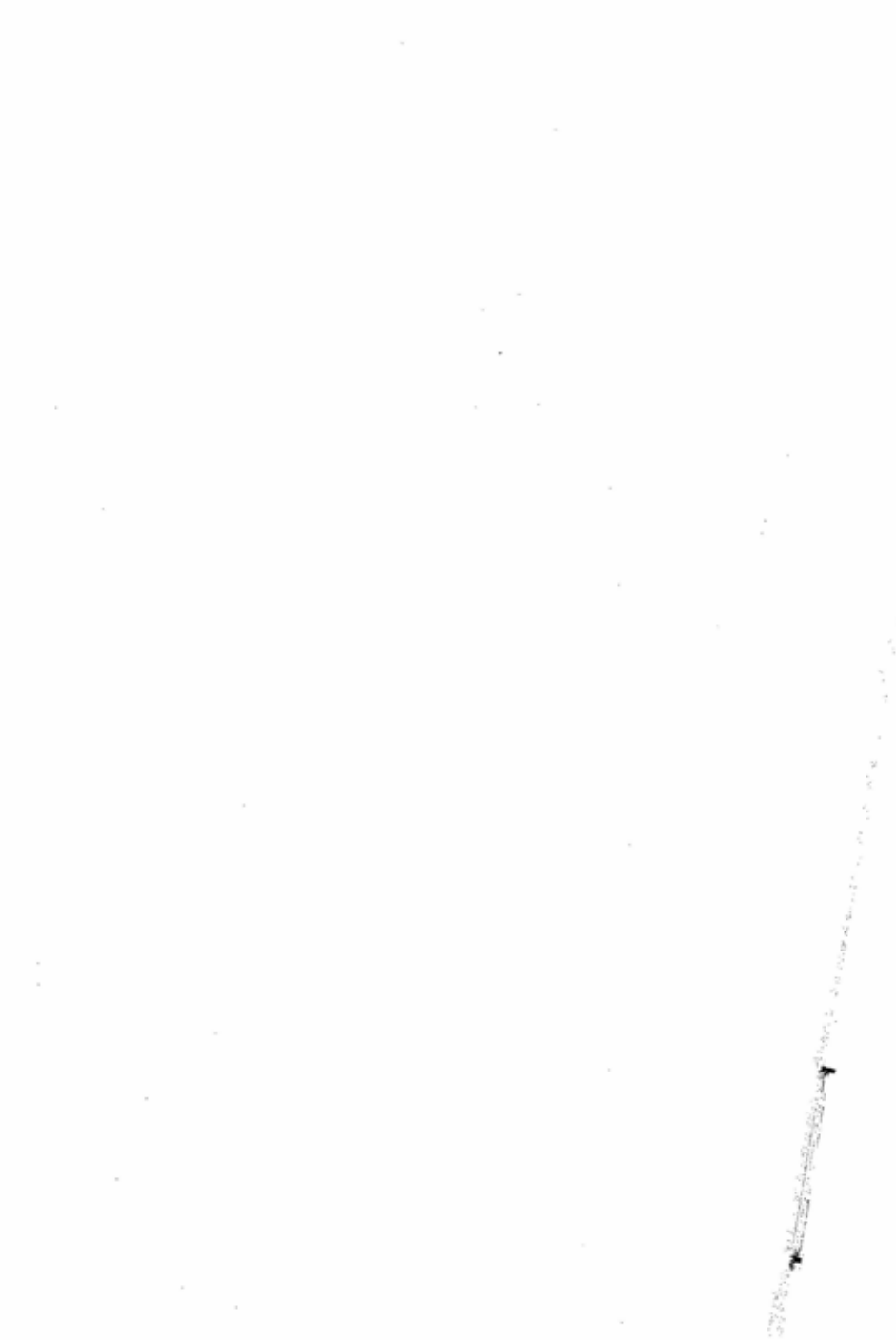
*Chih-chow*, "Knower of a Chow," is either in charge of a Chihli (or independent) Chow, with prefectural functions, and subordinated to no prefect, but reporting direct to the provincial government; or is in charge of a subordinated Chow.

*Chih-hien*, "Knower of the Hien," or District Magistrate, whose functions will be described below. In the eighteen provinces in 1906 there were 1443 Hien and 27 in Manchuria, making 1470 in all. Below the Chih-hien are subordinate officials—Deputy Magistrate, Sub-Deputy Magistrate, Superintendent of Police, Jail Warden, etc.; but they have no independent status.

The "Fu Chow Hien" constitute the general administrative body of the provincial civil service. They are charged in varying degrees with the collection of the revenue, the maintenance of order, and the dispensation of justice, as well as with the conduct of literary examinations and of the government courier service, and in general with the exercise of all the direct functions of public administration. The accompanying diagram will show the gradation of authority among the regular officials of the province.

DIAGRAM  
 SHOWING  
 ESSENTIAL ELEMENTS  
 or  
 PROVINCIAL ADMINISTRATION





§ 16. Two other officials of high rank, exercising their functions in the provinces, require mention as influencing the foreign relations of the empire—the Imperial High Commissioner, and the Hoppo at Canton. The *Kin-chai*, Imperial Envoy, Ambassador-Extraordinary, Legatus a latere, commonly called the Imperial High Commissioner, is delegated directly by the emperor to carry his will into effect, when viceroy or governor hesitate or are unable to carry out the Imperial orders, or to undertake the administration of a province or group of provinces when affairs have got out of hand, and their regulation has been found to be beyond the capacity of the regular officials. Armed with special powers, and restricted only by the limits of his commission, on arrival at his post he supersedes viceroy or governor, either generally or for the performance of a specified duty. He may return to Peking on the completion of his task, or may remain side by side with the titular head of the province, taking sole charge of the affair with which he is entrusted, but leaving other matters to the regular officials.

§ 17. The *Hoppo* (Yüeh Hai-Kwan Pu), or Administrator of the Canton Customs, is a direct representative of the emperor, and entirely outside the provincial hierarchy, though, to give him due standing and authority, he takes official rank with, but after, the viceroy. The post is of old standing, and was filled by the Manchus as soon as their supremacy had been established over Kwangtung, in order to milk the trade of the wealthiest trading mart in the empire, and the incumbent of the post luxuriated in an abundant supply of the richest milk during the whole of the time that Canton enjoyed its statutory and actual monopoly of foreign trade. He was, however, more than a milker; he was an accumulator and transmitter, and a share in his gains passed directly to the inmates of the Imperial palace, from the highest down the scale to concubines and eunuchs. The incumbent of the post will be constantly mentioned in connexion with foreign relations, down to the day when Canton ceased to enjoy the sole right to foreign trade and the monopoly of the Co-hong was abolished; and the direct interest of the Imperial court in maintaining the authority and emoluments of the Hoppo is alone sufficient to explain the steady support given to him in resisting all foreign demands. The successive abolition of the monopoly of Canton in foreign trade and the

competition of other ports, the development of the Maritime Customs under the Inspector-General and its system of exact report of the revenue from foreign shipping, the control over native shipping at Canton assigned to the Maritime Customs in 1886, and the supervision over the native Customs stations assumed by the Maritime Customs in 1901—all these either reduced the receipts of the office or made them the subject of exact report, and the post ceased to be lucrative in the Chinese sense,<sup>4</sup> and it was abolished in 1904, its functions being transferred to the viceroy.

§ 18. A few words must be said on the functions of government in the provinces which are not provided by the official hierarchy. Every Chinese official is supposed to be qualified to undertake every branch of human enterprise, from railway engineering to street scavenging, from the interpretation of the law to the execution of criminals, and to accept full responsibility for the consequences of his acts or the acts of his subordinates. In effect, however, this jack-of-all-trades attitude is offset by the natural wish for expert aid, and by the equally natural tendency to create a gainful office whenever possible. These extra-official functions are delegated by the responsible officials by the exercise of patronage. In China this delegated employment is actually so-called, *chai-shih*; and the director of an arsenal controlling the expenditure of millions, the officials of the *likin* collectorate, the viceroy's adviser on international or on railway matters, and a deputy who does little more than carry messages, are alike in theory only the delegates ad hoc of the appointing power. These unofficial officials are selected from the official class, the class known as "expectant" *Hien Fu* or *Tao*, men qualified to serve in the posts for which they are expectant, inscribed on the register of the Board of Civil Office, but not yet nominated to a substantive post. Entry to this state of expectancy is in theory the result of examination in literature; this is a glorious tradition; a hundred years ago it was in the main probably true, but to-day money and political influence are the keys which open the gates of political preferment.

§ 19. *The Township and Village.*—The *Hien* is the civic, political, judicial, and fiscal unit of Chinese life. It comprises

<sup>4</sup> For an elucidation of this, cf. chap. ii.

one walled city, or, in the case of many of the provincial capitals, the half of a walled city (in the case of Soochow the third of the city), with the country immediately around it. In it every Chinese subject is inscribed, and this inscription he does not willingly forfeit or abandon, no matter to what part of the empire or of the outer world his vocation may call him. Here is his ancestral temple if he is of the gentry, his ancestral home in any case; here will he return, if permitted, in the evening of his life, and here will his bones be sent should he die abroad; and during the whole of his life he is identified with his Hien.

§ 20. The official head of this district is the Chih-hien, who may be called Mayor, if it be understood that the municipal limits extend until they meet the territory of the adjoining municipalities. His official salary may be from Tls. 100 to Tls. 300 a year, with an allowance "for the encouragement of integrity among officials," amounting to three or four times his salary. The emoluments of his office, however, may be from a hundred to a thousand times his nominal salary; but from them he has to provide for the maintenance of his subordinates and his superiors, as is explained in the next chapter. He is appointed to his post generally from the list of expectants, either because he is the son of his father or because of a sufficient contribution to what in Western countries would be the party campaign fund, or because of good work done in a Chai-shih; occasionally, even now, a high scholar is appointed because of his scholarship, but it is seldom to a lucrative post. To the different districts of the empire are applied, according to the facts of the case, none, or one or two or three, or all of the four qualifying adjectives, "busy, troublesome, wearisome, difficult."<sup>5</sup> The Hien is duly equipped with treasurers, collectors, secretaries, clerks, jailers, runners, constables, etc., many of whom hold their position by hereditary right or custom; but an official in China, though he may delegate his functions, can never delegate, or absolve himself from, responsibility, and the Hien is personally responsible for every act of what we may call the municipal government. He is everything in the muni-

<sup>5</sup> "The Office of District Magistrate," by Byron Brenan, *Journal North-China Branch of the Royal Asiatic Society*, 1898.

ciality, and some of the most important of his functions must be described.

§ 21. The judicial function is the most important. He is Police Magistrate, and decides ordinary police cases; he is Court of First Instance in all civil cases. Civil cases are usually settled by guilds in towns, and by village elders or by arbitration of friends in the country; but they may come before the official tribunal, when the plaintiff wishes his pound of flesh and the blood of his victim as well. The Hien is also Court of First Instance in criminal cases, though a first hearing may for convenience be held by an assistant magistrate. Appeal lies to the Fu, and cases involving the death penalty are reviewed by him. Death warrants are signed by the Niehtai, except in case of rebellion or of riot capable of being stigmatised as such, when summary justice is inflicted. Appeal from the death penalty may also, and in the case of officials does, go to the Hing Pu at Peking. The Hien is also coroner, with all the duties of that office, and hears suits for divorce and breach of promise; he is also prosecuting attorney, while a defendant may employ a lawyer only to draw up his plea, but not to conduct his defence; he is also sheriff to execute all judgments of his own or a superior court; and is jail warden, responsible for the custody and maintenance of the prisoners before and after trial. If there is any part of the judicial function which has been omitted, he is that too.

§ 22. The fiscal function comes next in importance. As is explained in the next chapter, the Hien is the agent of the provincial and of the Imperial administrations in collecting the land tax and the grain tribute; but he has no concern with the special tributes or with the salt gabelle or likin; with them his sole connexion is the duty of protecting the collectors. He is also Registrar of Land, and the system of verification is so thorough that a deed of sale certified by his seal may be accepted as a warranty of title. He is Famine Commissioner for his district; it is his duty to see that the public granaries are kept full, and to distribute relief in time of distress. He is also Moth and Locust Commissioner, to combat those plagues; and, except along the Yellow River, is solely responsible for the prevention of floods and reparation of their damage. He is the local representative of the Kung Pu and the provincial

treasurer, in the custody of official buildings, and sees to the maintenance in order of city walls,<sup>6</sup> prisons, official temples, and all other public buildings; and must maintain the efficiency and provide for the expenses of the government courier service from border to border of his district. From his own funds he must execute such repairs as are ever effected to bridges and the things called roads, must see that the schools are maintained, and must call upon the wealthy to contribute for public and philanthropic purposes. He maintains order, sees to the physical well-being of his district, and is the guardian of the people's morals.

§ 23. These are the principal functions of the Mayor of the Chinese municipium, and under the paternal government of this "Father and Mother of the People" the ruled might be expected to be a body of abject slaves. This is far from being the case. In most countries the people may be divided into the law-abiding and the lawless; in China a third division must be noted—those who, though innocent of offence, come within the meshes of the law through the machinations of enemies. This, however, only serves to redress the balance, since the Chinese are essentially a law-abiding people, and, in the country, at least, are guilty of few crimes below their common recreations of rebellion and brigandage. These they indulge in periodically when the harvest is in, if for any reason, such as flood or drought, the crops have been deficient; but, apart from this and apart from the regular visits of the tax-collector, it is doubtful if the actual existence of a government is brought tangibly to the notice of a tenth, certainly not to a fifth, of the population. The remaining eighty or more per cent. live their daily life under their customs, the common law of the land, interpreted and executed by themselves. Each village is the unit for this common-law government, the fathers of the village exercising the authority vested in age, but acting under no official warrant, and interpreting the customs of their fathers as they learnt them in their youth. The criminal law is national; but, with a more or less general uniformity, each circumscription has its own local customs in civil matters. Questions of land tenure,

<sup>6</sup> In cities which are divided between two or three Hien, the maintenance of the walls is not also divided, but is entrusted to the superior officer, the Fu.



of water rights, of *corvées* (when not Imperial), of temple privileges, of prescriptive rights in crops, in details differ from district to district, will probably differ from Fu to Fu, and will certainly differ from province to province. Such differences are, however, immaterial; the man of the country knows possibly only his own village, and is not concerned with any district other than his own. That local custom in an adjoining district would alienate from him the foreshore accretion to his own farm, concerns him but little, if the custom of his own district grants it to himself; while the resident in the former does not think of claiming rights which were never claimed by his fathers. In matters of taxation, too, custom is the guiding principle. The government and the tax-collector are always trying to get more—this is understood; but the people, strong-based on custom, maintain an unending struggle to pay this year no more than they paid last year, and increment is wrung from them only after an annually renewed contest. In case of a general and marked increase, the struggle is more pronounced, and may lead to riot and arson in the case of villagers, and in the case of traders to the peculiarly Chinese method of resistance, the “cessation of business,” a combination of lock-out, strike, and boycott—a strong weapon against the magistrate, whose one aim is to serve his term without a disturbance sufficiently grave to come to the notice of his superiors.

§ 24. The official head of the village is the Tipao, “Land Warden,” nominated by the magistrate from the village elders, but dependent upon the good-will of his constituents. Several small villages may be joined under one tipao, and a large village will be divided into two or three wards, each with its tipao; while a village which, as is often the case, consists of the branches of one family holding its property in undivided commonalty, will have naturally as its tipao the head of the family. The tipao acts as constable, and is responsible for the good conduct and moral behaviour of every one of his constituents; he is also responsible for the due payment of land-tax and tribute. He is the official land-surveyor of his village, and has the duty of verifying titles and boundaries on every transfer of land; and the fees and gratuities from this, and the power over his fellow villagers given by the other duties of his post, endow

the tipao with so much local importance, that the old communal theory is lost to a great extent, and the appointment is often in practice a matter of purchase.

§ 25. The town is considered a collection of villages, being divided into Kia, "wards," each with its tipao, whose duties are the same as his country colleague. The town has, however, its commercial questions, but these are almost, if not quite, invariably settled by the gild concerned, in accordance with the gild rules, and are seldom brought to the cognisance of the officials. Of the relations between town and country it may be said that the interests of the countryman, peaceful and law-abiding, are sacrificed to those of the town dwellers, riotous and competitive. The direct taxes, land-tax and tribute, are assessed on rental value for farming land, and town property is subjected to no great increase from this rating. The movement of food supplies, too, is prohibited or sanctioned, not according to the interests of the producing farmer, but to meet the needs of the consuming townsman.

§ 26. **Manchu Military Organisation.**—The military organisation of the Chinese empire is divided into two branches, the Manchu and the Chinese. Dating from the time of the Manchu conquest during the first half of the seventeenth century, the Manchu "nation in arms" has been divided into eight "Banners," three superior and five inferior. The three Superior Banners are: (i) The Bordered Yellow (yellow being the colour of the Imperial family); (ii) The Plain Yellow; and (iii) The Plain White. The five Inferior Banners are: (iv) The Bordered White; (v) The Plain Red; (vi) The Bordered Red; (vii) The Plain Blue; and (viii) The Bordered Blue. Just as every Chinese is inscribed in his native district, in which he is liable (in theory) to pay tribute while living, and to which his bones are taken when dead, so all living Manchus are inscribed in their proper Banners, under which they (are supposed to) fight to maintain the conquest and receive their quota of the tribute and other (theoretic) benefits of the conquest. The main force of the eight Banners is "encamped" in Manchuria and in and around Peking, and is provided in the capital with rations drawn from the tribute rice, of which some two million piculs (125,000 tons) are received annually. Outside Peking is the "military cordon" of twenty-five cities of Chihli, at which are

settled military colonies drawn from the eight Banners. Outside these, again, are the provincial garrisons.

§ 27. When the conquest was completed, the Manchus proceeded to associate the Chinese with themselves in the government of the empire, and to hold the country by garrisons stationed at a few strategic points; and, in the original scheme, the garrisons in the provinces made a total of half the garrison of the capital. Of the provincial garrisons about half were in a northern belt, designed partly as an outer defence to the capital, partly to look out on Mongolia; these are at the following places:

Shantung: Tsingchowfu and Tehchow.

Honan: Kaifeng.

Shansi: Kweihwating, Suiyuanting, and Taiyuanfu.

Shensi: Siaifu.

Kansu: Ningsiafu, Liangchowfu, and Chwangliang.

The garrisons designed primarily to hold down the conquered Chinese were stationed at the following places:

Szechwan: Chengtu.

Hupei: Kingchow (guarding the outlet of the Yangtze Gorge).

Kiangsu: Nanking, with sub-garrison at Chinkiang.

Chekiang: Hangchow, with sub-garrison at Chapu, once its seaport, now silted up.

Fukien: Foochow.

Kwangtung: Canton.

In six provinces there are no garrisons—five of them in the air strategically, Kiangsi, Hunan, Kweichow, Yunnan, and Kwangsi, and the sixth, Anhwei, being until the time of Kanghi administratively part of Kiangsu. In each of the eleven provinces thus constituting the Marches of the Manchu Empire is stationed a Warden of the Marches, the Manchu Generalissimo or Field-Marshal (Tsiang-kün), commonly called Tartar-General, ranking with, but before, the viceroy or civil governor-general, not generally interfering with the civil government, but, though now innocuous, originally able to impose his will upon his civilian colleague. Notwithstanding his high rank,

he has now no more power or influence in the defence of the empire than the Warden of the Cinque Ports has in that of England. At the beginning of this record the Manchu troops under his command were the principal force in maintaining the integrity of the empire against foreign aggression, and during the first war, ending with the peace of Nanking, 1842, it was these troops who stood the first brunt of battle, and who suffered far heavier loss than the Chinese auxiliaries. From that time they disappear as a fighting force, and are only heard of as being ferreted from their hiding-places by the Taiping rebels and massacred.

§ 28. **Chinese Military Organisation.**—Apart from the effete Manchu army, the military forces of the empire may be divided into two classes :

- (a) The ineffective official army under military command ;
- (b) The effective unofficial army under civilian command.

The official army, constituting the provincial militia, is designated the Army of the Green Standard, and in the coast and riverine provinces is divided into land and water forces. The army divisions are territorial, the province being the highest unit. The provincial Commander-in-Chief is the Titu, commonly styled Titai and addressed as Kunmen ("Gate to the Camp"). The forces under his command are divided into brigades, under the command of a Chentai ; brigades are divided into territorial regiments under a Hiehtai, and these again into battalions, ying (or "camps"). The official hierarchy of this army exists solely for the purpose of personal profit and self-maintenance, the last thing they desire being to lead their brave followers into action, even against an unarmed mob ; while the rank and file exist mainly on paper, but partly in the shape of gaudy uniforms to be filled, for inspection purposes, by temporary recruits enlisted for the day. The effective army is entirely, except for the possible intervention of the Titai alone, outside the official military organisation of the empire or of the province. In this, too, the unit is the province, and the effective armed forces of the provinces are under the direct command of the civil authority, the viceroys and governors, who themselves lead them in chief for the suppression of serious rebellion. This force dates from

the Taiping rebellion (1850-1864), when the official organisation was found ineffective and unwarlike, and the provincial rulers were driven to raise bodies of irregulars and volunteers, styled *yung* ("brave,") after the fashion of the volunteers of the French Revolution or of the year of Leipzig. This constituted the fighting army of China, such as it was, until forty years after its first formation, its best representative, the "foreign-drilled" army of the north, went down before the Japanese in 1894; and on this foundation is erected the "New Model" army now in process of organisation.

## CHAPTER II

### TAXATION IN CHINA<sup>1</sup>

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§ 1. THE system of taxation in China, and the methods of providing for the expenses of administration, are essentially Asiatic. The Western mind is accustomed to the system of the common purse for one administrative area, into which all receipts are covered without being ear-marked for a definite purpose, and from which all payments are made irrespective of the source from which the funds are derived; it is also accustomed to a complete severance of the budgets of the different administrative areas—national, state, and municipal in America; national, county, and municipal in Great Britain; Imperial, royal, and municipal in Germany—with some exceptions, such as educational expenditure in Great Britain, and those due to more centralised forms of government, as in France; and furthermore, the underlying principle, more or less lived up to, in the West is that every penny taken directly from the

<sup>1</sup> In writing this chapter, the author has drawn largely from the chapter on Revenue and Expenditure in his work "The Trade and Administration of the Chinese Empire," London, 1908.

taxpayer is covered into the official treasury, and from the same source is provided every penny of the cost of administration. This makes it more difficult for the Occidental to project his mind into the system which prevails in China, and still more difficult for him to distinguish, in the mass of what appears to him gross irregularity, what is due to the system and what to administrative and financial corruption. The student of history will recall the administrative system of Europe of, say, three or four centuries ago, and, if he has any knowledge of China, will find many points of resemblance in matters which we to-day have come to reprobate; but any comparison is vitiated by the real difference between the feudal organisation of Europe of that time, and the consolidated government of China, with the Son of Heaven at the top and the mass of the people at the bottom, the emperor's representatives, the officials appointed by his centralised power, forming the link between the two. It is a matter of common knowledge that the income of the Chinese official is not in any degree measured by his official salary, that the annual profit of his office may be<sup>2</sup> Tls. 100,000, with an official salary not exceeding Tls. 1000. This sounds terrible to us; and yet we do not have to go very far back to find a condition similar in kind, though perhaps not in degree, existing in Western countries.

§ 2. The Chinese official is nowadays less an administrator than a tax-collector; but an infinitesimal portion of his revenues is wasted on such heads of expenditure as police, justice, roads, education, fire prevention, sanitation, or other of the numerous expenses falling on the official purse in the West; so far as we, with our limited occidental mind, can see, he exists solely for his own maintenance and that of his fellow officials, his superiors, and his subordinates. This principle he, with his superior innate capacity, has developed further than was ever done in the West; but the West can furnish, within comparatively modern times, some similitudes which will enable present-day readers to understand more clearly the system as it is to-day in China. The

<sup>2</sup> Tls. is the symbol for "Taels" or Chinese ounces of silver; the tael current at Canton was worth 6s. 8d. (U.S. \$1.63) during the period covered by this volume. The tael current at Shanghai is worth 10 per cent. less than the Canton tael. For a fuller account of the tael and of the Chinese currency system in general, see the chapter on the Currency in "The Trade and Administration of the Chinese Empire."

revenue returnable from each administrative area in China—town, county, or province—is assessed at a certain fixed sum, which, more or less, is the minimum which must be accounted for, and in practice this minimum constitutes the maximum sum which is returned. What is this but the system which, in the seventeenth and eighteenth centuries, furnished the bloated fortunes of the farmers-general of France? The administration of justice in China creates no charge upon the official revenues, but maintains itself from fees and exactions. Judge Jeffreys is infamous in history, but he furnished no exception to the practice of his day in swelling the revenues of his king and his country from the fees and fines of his court, and in augmenting his own official income from the same source. Every Chinese official takes for himself, without question, the interest on his official balances; so did the English Paymasters of the Forces up to the time of Pitt, and probably for many years after his time; certainly until after Fox was appointed to the post. Even modern America, with the foundations of its government freed from all feudal substructure, in some of its legitimate and legalised practices, furnishes a moderate example of what, in China, is immoderate. Up to a very few years ago, the office of the Sheriff of the County of New York was maintained on the principles inherited from the England of the eighteenth century; he received a salary (\$5000) and fees (averaging \$60,000), and himself paid the salaries of his deputies, and provided for the expenses of his office. This is the Chinese system, except that, in China, the fees are taken and the work not done. Outside legitimate American practice we have in "Tammany" a word which recalls practices known to exist, in a greater or less degree, in all occidental countries, and reaching, in the Occident, their most perfected development in certain of the great cities of the Newer West; these are but crude attempts, punished when detected and subjected to legal proof, of what, in China, is the ordinary practice, of everyday occurrence, and never punished, because it is a part of the system of government. These instances are adduced not in any way to belittle the (what we, with our twentieth-century views, call) administrative corruption of the Chinese Empire, but to bring home to the Western mind the underlying principle upon which the Chinese system is based.



§ 3. Another distinction between the fiscal systems of the East and West is in the "common purse." In England all national official revenue is covered into the Exchequer, in America into the Treasury. In China, theory and practice are divergent: in theory, everything is subject to the emperor—land, property, and revenue; in practice, the revenue is assigned piecemeal from certain sources of collection to certain defined heads of Imperial expenditure, and must be remitted independently for the purposes assigned. One province, for example, may be assessed Tls. 500,000 as the *likin* collection for the year; instead of remitting this to the Imperial Treasury, or holding it subject to the order of the Treasury, Tls. 100,000 will be remitted direct to the Shanghai Taotai for the service of the foreign debt, Tls. 50,000 will be remitted to the same officer for account of legations abroad, Tls. 200,000 will be sent to Honan for Yellow River Flood Prevention account, Tls. 50,000 will be retained for renewal of the provincial coast defences, Tls. 50,000 will be sent to Peking for the Imperial household, and Tls. 50,000 will be assigned for the upkeep of the Imperial mausolea. From some other source of revenue grants may be made to supplement the revenues of a poorer province; of the eighteen provinces, thirteen forward such grants in aid, and nine receive them, five both granting and receiving. We may even have province A remitting to B, B in turn to C, and C remitting to A, but each one of the three will remit in full; no attempt is ever made to strike a balance and receive or remit the difference; to do this would deprive some hard-working official of the fruits of his industry, in the profit derivable from the mere act of remitting. To prepare a national budget of revenue and expenditure would, in Parker's phrase, "puzzle the shrewdest firm of chartered accountants."<sup>3</sup>

§ 4. Another element of perplexity, sufficient to prevent the ordinary mind from penetrating the mysteries of taxation in China, is found in the question of exchange. China has no coinage except the copper "cash," of which to-day it takes about 10,000 to equal a pound sterling and 2000 an American dollar. Her silver currency has no one uniform standard, and the hundreds of standards known in the empire, or the dozen known in one place, vary within a range of over 10 per

<sup>3</sup> E. H. Parker, "China, Past and Present," p. 37.

cent. Even the Imperial Treasury tael is an actuality only at the Imperial Treasury itself, and elsewhere in China is merely a money of account. In a typical case, Treasury taels were converted into cash at the rate of 2600 per tael and converted back at 1105, whereby a tax of Tls. 70.66 was converted into a payment of Tls. 166.29. But let us take an ordinary everyday incident of revenue collected in Kiangsu and remitted as a grant in aid of Kansu. The tax-note will be in Treasury taels; it will be paid in local taels; the proceeds converted into Tsaoping taels for remittance to Shanghai, where it is converted into Shanghai taels; again converted in Tsaoping taels for remittance to Kansu (assuming it is remitted by draft), where it is received in local taels; these are converted into Treasury taels for accounting with Kiangsu, and back again into local taels for deposit in a bank, and again into Treasury taels for accounting with the Imperial Treasury, and again into local taels or copper cash for disbursement. This is no burlesque, but an exact account of what happens; and we have a series of nine exchange transactions, each of which will yield a profit of at least a half of 1 per cent. on the turnover, apart from the rate of exchange on actual transfer from place to place, and altogether outside any question of "squeezing" the taxpayer. Moreover, as we are dealing with the past more than with the present, it is right to record that regularly in the past and frequently in the present the remittance is made by actually sending the silver from Kiangsu to Kansu, not reducing the exchange operations above noted by a single step, but adding enormously to the cost by the expenses of transport and escort for a journey which must be counted by months and not by days.

§ 5. All these considerations must be borne in mind in any study of figures purporting to represent the revenue and expenditure of the Chinese Empire. In Western budgets the receipt side includes the entire sum taken from the taxpayer for the maintenance of the fabric of government, and the payment side gives the entire amount expended for administrative purposes. In China this is not so. A few heads of revenue may be regarded as strictly Imperial, such as the tribute and the receipts of that new and foreign institution—the Maritime Customs. Other receipts of the Imperial Treasury consist rather of surpluses handed over after providing for all costs of collection and

all expenses of local administration ; they correspond somewhat to the matriculations of the German Empire ; they correspond more closely perhaps to the surplus remitted from Cyprus to Constantinople, after providing for the administrative expenses of the island. There are no figures available to show the enormous sums taken from the taxpayer and devoted to the maintenance of the army of officials engaged in collecting the revenue—sums the larger for being left, in the collecting, to the unregulated and uncontrolled discretion of the collectors.

§ 6. **Land Tax.**—The foundation of Asiatic government is conquest, not the consent of the governed. When the various dynasties who have ruled China came into possession of the throne, they held the country in the hollow of their hand—"Dieu et mon droit" their motto—and the land and the fruit thereof became their property. Even an Asiatic government, however, does not carry all its theories into full practice, and the usufruct of the land of China is left to its occupiers, with full rights of transfer of possession ; but the rights of overlordship are recognised by the payment of land tax proportional to the (original) rental value of the land. This revenue was formerly the main dependence of the government in providing for its own needs, the amount remitted to Peking constituting, a hundred years ago, probably two-thirds of the cash receipts of the Imperial Treasury ; but a hundred years ago China had no urgent northern frontier question and no navy, and the remittances to the capital were required only for the maintenance of the court and garrison and for the metropolitan administration. Two hundred years ago, in 1713, the Emperor, quite in keeping with the Manchu practice of considering and conciliating their Chinese subjects in every way, decreed that the land tax throughout the empire, as shown by the records of that year, was to be fixed and immutable for all time, no increase being permitted under any circumstances. This permanent settlement endures, in theory, to this day ; the tax-note for each lot of land to-day gives the rate of assessment of 1713, and the returns of the total collection are based upon the permanent settlement, subject to authorised reductions for the effects of rebellion, drought, and flood, and to reaugmentation on recovery when reported by the provincial authorities.

§ 7. The primary unit in China for fiscal, as for administrative and judicial, matters is the hien or district, constituting what in America would be an incorporated city, with the surrounding country and its villages. The Hien, or magistrate, is responsible to the Fantai and to the Imperial exchequer for the due collection of the amount at which his district is assessed for the land tax. The tax-note records the amounts which make up this assessment, the fixed settlement of two hundred years ago; but it also includes accretions which are the result of many a hotly contested battle in the past between the tax-collector, bent on taking as much as he can, and the taxpayer, determined to pay as little as possible. Two demand notes for the payment of land tax in Honan have been carefully analysed.<sup>4</sup> In one case 44 per cent. was added for "meltage fee" (i.e. nominally for loss by exchange), and 26 per cent. for illusory "cost of collection," which is again levied by the collectors; in the other the amount in taels is converted into cash at 2600 to the tael, and converted back into taels at 1105, being an addition of 135 per cent., and then 50 per cent. is added for "cost of collection." The latter method is the more usual, and cases are common and well known where the conversion into cash was at the rate of between 5000 and 6000, with the effect of increasing the land tax to over five times the statutory amount. The amount shown as the total on the note is the amount which must be turned into the Hien's treasury, and takes no account of the actual cost of collection, though an amount is always included for it; for the Hien, *more sinico*, pays his subordinates little or nothing as salary, but compels them to scratch around for their maintenance; and even a tax-collector must live. The Hien, however, arms his collectors with power, and, thus armed, they are enabled to extract their "costs of collection" from the taxpayer. The amount to be exacted is indeterminate, and forms the subject of a battle annually renewed between payer and receiver; but on an average it is quite safe to put it, at the very lowest estimate, at 10 per cent. on the sum officially demanded.

§ 8. Tribute is another invariable incident of an Asiatic form of government, and has formed a considerable part of the revenues of the State under all the successive dynasties which

G. Jamieson, "Land Taxation in the Province of Honan."

have ruled China. In the earlier dynasties the taxation took mainly the form of tribute—i.e. payment in kind, and generally of silk and grain, a roll of silk and a picul of grain having approximately the same value. Under the Sung dynasty, in A.D. 1004, the tribute amounted to 49,169,900 pieces and piculs; in 1049 it was increased to 53,588,565, and in 1064 to 67,767,929 pieces and piculs. In 1148 the grain tribute from Chekiang, Kiangsu, and Hukwang, was 2,395,000 piculs. In 1324, under the Mongol dynasty, the grain tribute amounted to 12,114,708 piculs, of which Chihli contributed 2,271,449; Honan, 2,591,269; Kiangsu and Chekiang, 4,494,783; and Kiangsi, 1,157,448 piculs; of this about 3,000,000 piculs were sent to Peking, the rest being retained in the provinces for the maintenance of the government and the support of the Mongol garrisons. The tribute in kind required by the ruling Manchu dynasty takes many forms, including silks from Hangchow, Soochow, and Nanking, porcelain from Kingtehchen, timber from Kiangsu, fruits from the southern coast, wax from Szechwan, etc. It also includes copper from Yunnan, the quantity required annually for coinage, before the introduction of foreign supplies, being estimated at 85,000 piculs. The principal tribute under the Tsing, however, as under the previous dynasties, is grain. Before the disorganisation caused by foreign wars and rebellion, during the early years of Taokwang (1821–1850), the stipulated quantity required in an ordinary year to be sent to Peking was 2,930,000 piculs of rice and 300,000 piculs of millet. Since the Taiping rebellion, of the eight provinces liable to grain tribute, Honan, Kiangsi, Hapeh, and Hunan have commuted it for an annual money payment, leaving Kiangsu, Chekiang, Anhwei, and Shantung still to pay in kind. It is estimated that from these four provinces about 400,000 piculs continue to go by the Grand Canal, and the annual average of shipments by sea for the years 1902–1905 was 1,626,000 piculs. Besides this is the amount retained for the maintenance of the provincial forces. An illustration of the conservatism which rules Chinese finances is afforded by the continued payment by the commuting provinces to Chihli for cargo-boats, to convey from Tientsin to Peking the grain which they *do not* send; “a year or two ago (1895) ninety-seven cargo-boats were destroyed by a tidal wave, and Chihli has just reconstructed them at a

cost of Tls. 39,800; Hunan, Hupeh, and Kiangsi have to repay this sum between them."<sup>5</sup> There are, besides, recurring payments for "repairs" to these imaginary cargo-boats. To get at the sum received by the government from tribute is not easy, and it is still more difficult to conjecture the amount paid by the taxpayer. One thing seems certain, that the "accretions"<sup>6</sup> to the tribute payable in kind must approximate closely to those on the tribute commuted; otherwise, with the weakness of the central government fifty years ago, it would have been to the advantage of the officials, metropolitan and provincial alike, to commute in all the provinces. The copper from Yunnan is sent now in much reduced quantity, probably from 5000 to 10,000 piculs a year; and, with so much of guess-work in the calculation, no further reference need be made to the silks,

<sup>5</sup> E. H. Parker, "The Chinese Revenue," in Journal of North-China Branch of the Royal Asiatic Society, 1895-1896.

<sup>6</sup> I have been able to obtain the tax-notes for two small adjoining lots of land near Shanghai, outside the foreign municipal jurisdiction, and have given them some careful study. The amounts and data filled in are written in a sprawling running hand, difficult for a scholar, and almost illegible for a half-educated farmer; but from them I have made out the following particulars:

First lot, area about 10 mow ( $1\frac{1}{2}$  acres):

Grain tribute, 6 sheng 9 ho, taken as 7 sheng (0.070 shih =	
8½ catties = 11½ lb.), converted at 6000 cash	420
Spring official accretion, Tl. 0.095 at 2500 cash	237
Autumn official accretion, Tl. 0.095 at 2800 cash	266
Cash	923

Second lot, area about 25 mow ( $4\frac{1}{2}$  acres):

Grain tribute, 1 tow 4 sheng 9 ho (0.149 shih = 17½ catties =	
23½ lb.), converted at 7000 cash	1043
Spring official accretion, Tl. 0.087 at 2500 cash	229
Autumn official accretion, Tl. 0.087 at 2800 cash	247
Cash	1519

If fluctuations and the present inflated price of grain be disregarded, and the usually accepted rate of 2000 cash per shih for grain tribute be taken as a standard, we have in this case a legal tax of 440 cash increased to an actual payment of 2442 cash, five and a half times as much; and if the land had remained in Chinese ownership we must assume that the increase would have been to six times. Even with the carefully digested figures given above, there are some elements of that variability which is so constant a factor in Chinese taxation. The two lots are adjoining, and apparently of the same class of land. One is assessed at the rate of 0.0069 shih of grain per mow, converted at 6000 cash, and the other is assessed at 0.00596 shih per mow, converted at 7000 cash. The official accretions are assessed in silver and collected in copper, but the spring accretion is converted at 2500 cash, and the autumn accretion at 2800 cash, the actual market-rate being about 1100 cash; the accretion for the smaller lot is larger in amount than for the larger lot.

porcelain, and other articles of tribute, though collecting and forwarding them provides honourable, but not honorary, employment for many deserving officials.

§ 9. *Customs*.—The same veil of mystery which hangs over other branches of the revenue service covers the Customs, called the "Regular" or native Customs to distinguish it from the newly established "Maritime" or foreign Customs. The offices of this establishment may be divided into two classes—those controlling shipping, and those at land stations. The typical Customs post, and the fattest, was that of the Hoppo of Canton, who controlled and taxed the shipping in the ports of the coast of Kwangtung and in the delta of the Canton river. This was the official around whose person was waged the battle of the East against the West up to the time when first a fixed tariff of duties was settled by treaty in 1842. The office of Hoppo and a fixed tariff did not harmonise, for the proper performance of the duties of a Hoppo depended upon the magnitude of the margin between the revenue collection as officially reported and the sums actually taken from the traders. The Hoppo was always a Manchu, appointed by the emperor, and representing the palace and its inmates. He was allowed to accumulate something of a fortune for himself, but that could be only the surplus after he had satisfied his patrons (and matrons) in Peking. He had to pay on appointment; he paid during the continuance of his tenure of office, which was never for a longer term than three years; and, before he was allowed to return to his old obscurity with his new gilding, he had to pay again. He was always paying. The successive steps by which the emoluments of his post were successively reduced have been already referred to;<sup>7</sup> but a competent authority, writing in 1895 of a time then recently passed, put the value of the presents sent regularly to Peking during the Hoppo's tenure of office as not less than a million taels a year.<sup>8</sup> Other authorities have put it epigrammatically that (after providing for the cost of collection by the maintenance of an enormous staff) it took the net profit of the first year of his tenure to obtain his office, of the second year to keep

<sup>7</sup> See chap. i, § 17.

<sup>8</sup> E. H. Parker, "The Financial Capacity of China," in *Journal of North-China Branch of the Royal Asiatic Society*, 1895-1896.

it, and of the third year to drop it and to provide for himself. The methods by which the office was administered will be described in some detail in the course of this narrative.

§ 10. During the later years of the nineteenth century the collection officially reported from the regular Customs stations controlling shipping on the coast and rivers was under Tls. 3,000,000 in annual average.<sup>9</sup> The Customs stations within fifteen miles of a treaty port have, since November 1901, been placed under the control of the "Maritime" Customs, with the result, from increased efficiency and more exact report, that the collection from these stations alone increased from Tls. 2,206,469 in 1902, the first year, to Tls. 3,699,024 in 1906, four years later. Of the land stations but little is known. One such post is that of the "Peking Gate," of which the regulation assessment is Tls. 120,000; apart from the taxation of goods entering Peking, its chief function is to levy a tax on every official visiting Peking on affairs of state; and as every high official is ordered up for audience on appointment, or on transfer, or retirement, and as the wardens of the gate of Peking hold the keys, the tax is usually paid without much hesitation, amounting sometimes to Tls. 50,000, and on occasion, for the incumbent of an especially lucrative post, to as much as Tls. 100,000. Having secured entrance to the city, the official will then have to open his way, through quite another set of guardians, to the palace; and then, through the chamberlains, to the audience hall. The form to be taken in expressing practical thanks to his sovereign for the honour of an audience, and for his appointment, is a matter of conjecture. The total collection, so far as reported, for the frontier and all other inland stations, amounts to Tls. 460,000. In 1903 the Russian statistics showed an export to China exceeding the

<sup>9</sup> E. H. Parker, "China, Past and Present," p. 34. Another authority (G. Jamieson, "The Revenue and Expenditure of the Chinese Empire," p. 19) says, somewhat pessimistically: "but on the whole I do not think this branch of business can be put at more than 1,000,000 taels."

I have made a careful calculation of the duties leviable on the cargoes, import and export, by British and American ships only during the twelve months ended June 30th, 1837, and the total amount was Tls. 5,650,000. A memorial to the throne dated Sept. 14th, 1843 (in Chin. Rep., Nov. 1843), gives the fixed assessment of the Canton Customs, from both foreign and native shipping, at Tls. 899,061. It is fair to assume that in 1837 the total revenue from shipping, not including fees and perquisites, was fully ten times the reported collection.



Chinese Customs import by over Tls. 15,000,000, and an import from China exceeding the Chinese Customs export by over Tls. 30,000,000; it is unlikely that this trade passed entirely untaxed, both on the inward and outward traffic, and, on a moderate 5 per cent. basis, the levy from this trade must be not less than Tls. 2,500,000.

§ 11. The Salt Gabelle.—If the collection of the land tax is veiled by obscurity, of the grain tribute by equal obscurity, and of the "Regular" Customs by greater obscurity, the greatest obscurity covers the revenue from the salt gabelle, owing to the mixture of the official and the mercantile element in its collection. Salt is everywhere under the strictest government control, and is taxed at every stage—in its manufacture, purchase at the vats, transport, sale at the depot, and sale to the people. For productive, administrative, and distributive purposes the empire is divided into eleven salt areas; of these, the Hwai Administration, supplying about 100,000,000 of the population, is the most important, and a description of its methods will suffice for all. The viceroy of Nanking is the direct head, and under him is an army of controllers, agents, guards, etc., echeloned along and on both sides of the Yangtze, charged with control of the traffic, prevention of smuggling, and levy of taxes. Production, transport, and sale are in private hands, under licences issued by the administration. From the vats to the depots (the principal one being above and opposite to Chinkiang) the salt is practically in bond. At the depot the salt is bought, at a price fixed by the administration, by the holders of licences; of these a fixed number, usually 300 to 400 to each province, have been issued against a capital payment which, if there were a demand for further issue now, would be Tls. 10,000 to Tls. 12,000 each. The licensees take their turn, which may be once in two years or twice in three years, according to circumstances, and in his turn each is permitted to buy 3750 piculs of salt. In order to avoid the difficulties caused by different regulations and customs on every route, different weights at short distances, and different taxes in different provinces, it is necessary to select one province, and Hupeh will be assumed to be the destination. The cost of production is Tls. 1130 for this quantity, in which is included the vat licence fee and transport to the depot, and the price

paid at the depot is Tls. 3725, giving Tls. 2595 for government charges for storage and taxation to this point. The transport to Hupeh is controlled from point to point, and on arrival the salt is stored in one of the provincial depots, paying storage, and awaiting its turn to be sold to the licensed shops, conveyance to which is also controlled. There are numerous changes of scale, changes in the method of accounting, delays to be avoided, and difficulties to be smoothed away, which add to the cost of the sale and to the emoluments of the administration agents, and contribute nothing to the revenue, but which must all be paid for by the consumers; and merely to enumerate the different items of taxation, and adequately describe the application of an exceedingly complicated system, would require a chapter to itself. It is sufficient to say that the regular officially recognised taxation, from the depot near Chinkiang to issue from the provincial depot at Hankow, is put by good authority at Tls. 1'60, and a little more per picul. To get at what the people pay we need only take the retail price, which is fixed by the Salt Administration. In Hupeh, ten years ago, the average retail price so fixed was 50 cash a catty;<sup>10</sup> as the corresponding price in Hunan was 56 cash, and as those were the prices before the increase in taxation to meet the Boxer indemnities, this price of 50 cash may be accepted as a fair average. Converting at the same rates, the producer's cost of Tls. 1130 for the quantity, 3750 piculs, under one licence, is increased to Tls. 12,545 as the price to the consumer, the difference being Tls. 11,415; if Tls. 1415 be allowed for the cost of transport and legitimate profit, the remaining Tls. 10,000 (Tls. 2'67 a picul) is paid by the people as tax, regular or irregular, open or covert.

§ 12. The consumption of salt in the empire can only be guessed. A hundred years ago the official "blue-books" of China put it at 20,000,000 piculs, and this was stated to be less than the amount fifty years previously; in 1885 a Vice-President of the Board of Revenue put it at 28,000,000 piculs.

<sup>10</sup> A well-informed writer in the *China Mail* (Hongkong, 1885) gives the retail price of salt at Hankow as 64 cash a catty. Another good authority (Jamieson, "The Revenue and Expenditure of the Chinese Empire") says of the retail price that it "varies from an average of 25 cash a catty, in the Fukien and Chekiang areas, to 60 cash or more in the Hwai and Szechwan areas." Allowing due weight to relative density of population, 50 cash would seem a fair average.

The 300,000,000 of the people of India consumed 24,000,000 piculs of salt in 1904, and it would seem a fair assumption to put the consumption of the 400,000,000 of the people of China at the same figure. On this basis, and calculating at the rates for eastern Hupeh, the people of China pay Tls. 81,000,000 for their salt, of which sum Tls. 64,000,000 and more is taxation in one form or another, and Tls. 39,000,000 is taxation according to regularly published tariffs of charges. The net collection reported to the Imperial government is Tls. 13,050,000.

§ 13. **Miscellaneous Taxes.**—Many of the miscellaneous taxes are of local incidence, and accordingly their collection and report depend upon the industry, the integrity, and the whim of the local officials; others are general, but such that there is no check upon the collection such as is afforded by transit from one district to another. The principal among them are the following:

1. The reed tax, a charge upon the marshes along the Yangtze and elsewhere, producing reeds for thatching and for fuel.

2. The tea licence, now probably incorporated in the likin on transit.

3. Mining royalties, insignificant in the past.

4. Fees on sales of land and houses.

5. Pawnbrokers' and other mercantile licences, probably producing the greater part of the reported collection.

6. Lo-ti-shui, consumption and production tax, now insignificant, but capable of development on the abolition of likin.

7. Sale of title and official rank. The proceeds of the sale of office are not included, as they never go into the treasury.<sup>11</sup>

<sup>11</sup> "In the House of Commons, on April 17th, Lord Folkestone had moved a Resolution to the effect—

"That a Committee should be appointed to enquire into the existence of corrupt practices in the State, as to the purchase and sale of Commissions, and as to the issuing of Letters of Service; and that such Committee should report the result of their proceedings to the House."

"This Resolution was rejected by a majority of 178 to 30."—The Times, Wednesday, April 19th, 1809.

"There was a long debate in the House of Commons on the 'Abuse of Patronage,' the occasion being the moving of the following Vote of Censure by Lord A. Hamilton:

"That it appears to this House that Lord Viscount Castlereagh, in the year 1805, having just quitted the Presidency of the Board of Controul, and

§ 14. When we come to consider the expenditure of the empire, we find ourselves in a labyrinth. As has been explained in some detail, the cost of government is provided for in such a way that the greater part of the charge does not, and cannot, appear in any official account of expenditure. The basic charge on revenue account is increased by legalised and regular accretion, and this again by indeterminate charges which the collectors collect for themselves, and to a great extent at their own sweet will. Both accretion and collectors' charges are stigmatised by critics of the Chinese government as "squeeze" or extortion; but, while the method of collection opens the door to personal corruption, still this is the Chinese system. In the West, the collector is paid a fixed salary, with possibly a commission on his takings, but issued from the Treasury; and the magistrate, the official with a fixed office, is paid by a sufficient and all-inclusive salary. This is not so in China, where both collector and magistrate must fend for themselves. The collector takes his charges, but it is a mistake to suppose that his takings are all pure profit; to maintain his position he must satisfy all in direct authority over him, thereby securing to his superiors what is considered the just Chinese equivalent of "salary." The Hien will have received the basic tax plus what may come to him as his share in the collectors' charges, and from this must provide for the maintenance of all his subordinates, less the proportion which they themselves may have received as their share out of the collectors' charges; and he must then provide for the maintenance (what we would term salary) of all in direct control over him or able to influence his

being at the time a Privy Councillor and one of his Majesty's Secretaries of State, did deliver up, into the hands of Lord Clancarty, a Writership, of which he had the gift, for the purpose of exchanging it for a Seat in Parliament.

"That, merely from the disagreement of some subordinate agents employed, this design was not carried into effect.

"That such conduct was a dereliction of his duty as President of the Board of Control, a gross violation of his engagements as a servant of the Crown, and an attack on the purity and constitution of the House."

"At the conclusion of Lord A. Hamilton's speech Lord Castlereagh rose and delivered a vigorous defence of his conduct, after which he 'made an obeisance to the Speaker and withdrew.'

"Mr. Canning moved an Amendment to the effect 'that the House saw no reason for a criminating Resolution.' The original Resolution was rejected by a majority of 49, and Mr. Canning's Amendment was then carried by a majority of 47.—The Times, Wednesday, April 28th, 1809.

appointment or his actions. On his first appointment, and annually or more frequently during his tenure of office, he must give gratifications, depending in amount upon the more or less lucrative character of his post,<sup>12</sup> to his immediate superiors, the Fu or Prefect, and the Taotai; and he is the more bound to satisfy the provincial magnates, judge, treasurer, governor, and viceroy, in whose patronage lie his appointment, retention in office, and promotion; and he must not neglect these great men's secretaries and accountants, who are in a position to slip a good or evil word into their master's ears. So with the Fu and the Taotai; so with the Hoppo at Canton and other exceptional appointments. The high provincial authorities, too, must fortify their position at the capital, and a portion of their emoluments received from their subordinates must be passed on, regularly and almost as assessment, to the higher metropolitan officials and ministers of state and to the officials of the palace, any one of whom, if neglected, might have influence to reduce the perquisites of a self-seeking official or delay his promotion, and to put a spoke in the wheel of one who proposed measures to benefit his province.

<sup>12</sup> In the vicinity of Canton are three districts characterised by the phrase "shui shui, tso shui, tsou shui," literally "sleeping income, sitting income, walking income." This may be explained by the following paraphrase: "The three districts are all lucrative: in the first the incumbent may go to sleep, but his emoluments come rolling in; in the second, though wakeful, he may sit still, and his emoluments come rolling in; in the third he must be active and walk about, and his emoluments come rolling in."

## CHAPTER III

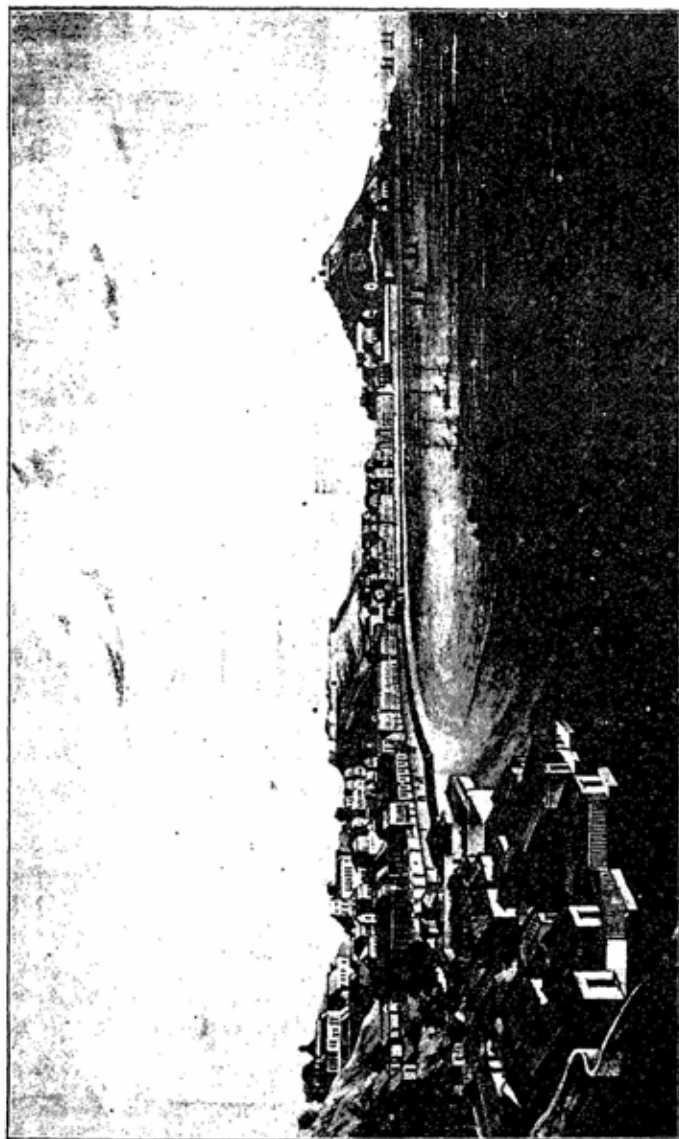
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§ 1. THE first of the Western maritime powers to open direct relations with the Chinese empire was Portugal. In 1511 Alfonso Dalboquerque (D'Albuquerque) captured Malacca, then a great international trade centre; and five years later Rafael Perestrello voyaged to China in a native ship on a prospecting expedition. In 1517 Fernão Perez de Andrade sailed with four Portuguese and four Malay ships, and cast anchor in the harbour

of Shangchuen, now called St. John's Island, the ultimate point reached by St. Francis Xavier, who died there in 1552, within sight of the promised land, on which he was forbidden to set foot. Andrade was allowed to proceed with two ships to Canton, whither he was accompanied by Thomé Pires, commissioned by the governor of Goa as envoy to the Chinese emperor. Fernão de Andrade conducted himself in a conciliatory manner; but in 1518 his brother, Simon de Andrade, arrived at St. John's with one ship and three junks, and so conducted his trade as to manifest his greed, his prejudice against the Chinese, and his despotic disposition; he built a fort and began to exercise criminal jurisdiction, and the Chinese authorities were driven to oppose him. He was strictly blockaded in port, but slipped through the blockade in 1521; in the meantime his brother, Fernão, had been driven off the coast, and the royal envoy, Thomé Pires, thrown into prison, where he died in 1523. In 1522 Alfonso Martins de Mello, envoy to the emperor, arrived at St. John's, but was attacked, and nearly all on board his squadron were killed; the few survivors escaped to Lampaco (Lang-peh-kau), where a Portuguese trading post existed for half a century yet to come. About or soon after 1517 George Mascarenhas, fetching a compass about St. John's, reached the coast of Fukien; and by him, and others later, trade was opened at Chinchew (Chüan-chowfu), Foochow, and Ningpo. At Ningpo a colony was established; when is uncertain, but in 1533 it was referred to as flourishing. Prosperity bred a haughty spirit, haughtiness led to insolence, and the riotous and licentious proceedings of the colonists caused the generally pacific Ming emperor, in 1545, to order them to be attacked by land and sea. In the result it is reported that "12,000 Christians," including 800 Portuguese, were killed, and thirty-five of their ships and two junks were burned. Similar conduct led to the same result in 1549, at Chinchew, from which the survivors escaped to Lampaco.

§ 2. In 1552 an embassy to the court of Peking was despatched by the governor of Goa, but the governor of Malacca refused to allow it to proceed farther. A fourth, also from Goa, was sent in 1667, to make representations against the stoppage of the trade of Macao, which had been directly ordered



MACAO IN 1843.





by the emperor; but it produced no definite result. The fifth embassy, under Alexander Metello Souza y Menezes, came in 1727; it exchanged presents with the Chinese sovereign, but was no more successful in broaching business topics than the sixth embassy in 1753. In the eyes of the Chinese, an envoy came to do homage and bring tribute, and it was his duty to receive his orders, and not to claim to negotiate conventions. This envoy received the gifts of the emperor on his knees, after the European custom.<sup>1</sup>

§ 3. After the massacres in the north, Lampaco was the only port left at which the Portuguese could trade; but in 1557, by means of the customary pecuniary inducements, permission was given to erect sheds, to dry and store cargo, on the "desert island" of Amakau (Macao), the port of the goddess Ama.<sup>2</sup> The "island" is actually a peninsula, and in 1573 the Chinese authorities built a wall across the narrow isthmus, with one gate as sole ingress, the reason assigned being the prevalence of kidnapping. Complaints of this evil continued, and in 1582 the viceroy summoned to Shiuhing, the provincial capital, the governor, judge, and other officials of Macao; they were received in audience in a hostile manner, and were threatened with expulsion; but, presents having been given to the viceroy and those in his suite, the tone of their reception was improved. It was only by constant bribery that the Portuguese could maintain themselves in Macao, and in 1593 the Senate wrote to the Portuguese king that "to maintain ourselves here we must spend much with the Chinese heathen."<sup>3</sup>

§ 4. The Portuguese have always claimed for Macao an independence of Chinese jurisdiction which the Chinese government, until 1887, never admitted. Much has been said of a "Golden Chop" constituting the charter of the colony, which is said to have been granted by the Chinese emperor, and to have been lost; but there is no record that any unofficial person ever saw it. The facts are all against the claim. Rent, a full

<sup>1</sup> Ljungstedt, "Portuguese Settlements," pp. 1-5; Williams, "Middle Kingdom," ii, pp. 427-429; Pauthier, "Ambassades Étrangères," p. 5; Auber, "China: an Outline," p. 81.

<sup>2</sup> According to narrative of F. M. Pinto; but Morrison's "View of China" states that Europeans had temporary shelters there in 1537; and Manoel Faria e Souza, in his "Ásia Portuguesa," states that the depot was "established again (de novo) at Macao in 1538." Ljungstedt, op. cit., p. 6.

<sup>3</sup> Ljungstedt, op. cit., p. 12.

recognition of sovereignty, was paid to the Heungshan Hien, from the very beginning until Governor Amaral's coup d'état in 1849. The amount was at first Tls. 1000; from 1691 until a date after 1740 it was Tls. 600; and was Tls. 500 thereafter.<sup>4</sup> In 1843, when Kiying granted certain additional privileges to Macao, he was asked to abolish the annual rent, but gave a decided refusal.<sup>5</sup> The bishop of Macao, as acting governor in 1777, wrote to the Senate: "By paying rent the Portuguese acquired the temporary use and profit of Macao *ad nutum* of the Emperor."<sup>6</sup>

In 1802, under instructions from Lord Wellesley, governor-general of India, a British force occupied Macao to protect it against a possible attack from the French. The Chinese authorities protested against this invasion of "Chinese soil," and simultaneously came the news of the peace of Amiens, and the troops withdrew.<sup>7</sup> In 1808 Lord Minto, having garrisoned Goa against the French, sent a force to give the same protection to Macao. The court of directors of the East India Company offered an opinion that "no apprehension need be entertained of embarrassment from the Chinese Government, if permission were obtained from the Portuguese." This was not the opinion of the Chinese, and the viceroy demanded the immediate withdrawal of the British naval and military forces, threatening the use of force and the stoppage of British trade. Admiral Drury proposed an interview with the viceroy, who coldly declined; the admiral then proposed to force his way past the Bogue to an interview, but withdrew in the face of armed opposition; and the entire British force abandoned Macao, admitting Chinese rights in the matter.<sup>8</sup>

§ 5. On the question of jurisdiction it is on record that, prior to 1587, a Chinese official had been commissioned "to govern the city in the name of the Emperor of China";<sup>9</sup> he resided in Macao, and decided all cases in which Chinese were

<sup>4</sup> Ljungstedt, op. cit., p. 10. R. M. Martin ("China: Political, etc.," i, p. 262) gives 1754 as the date from which one reduction in the rent was allowed.

<sup>5</sup> Williams, op. cit., ii, p. 430.

<sup>6</sup> Ljungstedt, op. cit., p. 9. Milburn ("Oriental Commerce," ii, p. 462) states "Macao is completely under the jurisdiction of the Viceroy of Canton."

<sup>7</sup> J. F. Davis, "The Chinese," i, p. 76.

<sup>8</sup> Ibid., i, p. 84; Auber, op. cit., p. 230.

<sup>9</sup> Ljungstedt, op. cit., p. 12.

involved, whether as plaintiff or defendant. Later, but when is uncertain, this duty devolved on the magistrate of Casa Branca, who kept the keys of the barrier across the isthmus, built in 1573. Brushing aside his deputies, the Heungshan Hien himself held court within the limits of Macao as late as 1690. In 1744 a special deputy, the Tsotang, was assigned to the Heungshan Hien for his Macao business, and in 1800 this Tsotang came to reside and exercise his jurisdiction in Macao. In 1749 the Portuguese refused to surrender certain alleged criminals who, on the ground that they were converts, had fled for refuge to the convent of Nossa Senhora do Amparo; the Chinese authorities thereupon stopped all supplies coming in, and ordered all traders to leave Macao, and the Portuguese surrendered the refugees and agreed to sign a convention. Of this the fifth article provided that, in cases of homicide, the Chinese official at Casa Branca should go to Macao to sit as coroner, and that he should then transmit the evidence to Canton for final judgment; and by the seventh article it was provided that no houses, quays, or forts should be built or repaired in Macao without a permit issued, on receipt of the requisite fees, by the Casa Branca sub-magistrate.<sup>10</sup> The last article was abrogated by Kiyang in 1843.<sup>11</sup>

§ 6. Fiscal jurisdiction as well was exercised by China at the port of Macao. In 1631 Canton was closed to foreign trade, which was to be done at Macao on the same footing as previously at Canton; this did not last long, but it was long enough to allow the Chinese merchants to form a gild for the purpose of monopolising the trade. In 1698 an Imperial edict gave warning that "Macao depends on the jurisdiction of China, and that well-conducted visitors are considered as children of the Emperor." This principle was acted on in 1717, when the Senate wished to reserve the privileges of the port to Portuguese ships and to refuse hospitality to traders of other nations, but was curtly told that it could take no such step; and was further informed by the viceroy in 1726 that the decision in such matters lay with the emperor and not with the senate.<sup>12</sup> In 1732 the viceroy required the Portuguese authorities to report the arrival of every foreign ship, her nationality, force, destina-

<sup>10</sup> Ljungstedt, *op. cit.*, pp. 12-15.

<sup>11</sup> Williams, *op. cit.*, ii, p. 430.

<sup>12</sup> Ljungstedt, *op. cit.*, p. 81.

tion, etc. Soon after the Hoppo sent a deputy who settled at the landing place on the Praya Grande in temporary quarters; these the Portuguese removed in 1779, but gave him a suitable house, also in Macao, in which his successor was living as late as 1832,<sup>13</sup> probably until 1849, and from which he levied taxes on persons and goods landing or embarking at Macao. In the twelve months ending March 31st, 1831, the Hoppo's deputy collected from the trade of Macao<sup>14</sup> a total of Tls. 69,183, of which Tls. 30,132 came from 1883 chests of opium landed there, and Tls. 39,051 from other merchandise;<sup>15</sup> and a traveller in 1847, two years before Macao's declaration of independence, records that, on landing there, "the first thing we had to do was to pay half a Spanish dollar each to a mandarin."<sup>16</sup>

§ 7. The Portuguese trade decayed, but Macao flourished, becoming, under Chinese supervision, the base for the trade of all nations with Canton. It was at Macao that all ships called on arrival, to engage river pilots and purveyors, and it was there that they took their departure; and it was to Macao that the traders returned from the Canton factories at the close of each season, and it was there that they awaited the coming of the next season, which should again give them access to Canton. The resident population in the nineteenth century, exclusive of clergy and military, was as follows:<sup>16</sup>

	1810	1880
White men . . . . .	1172	1202
White women . . . . .	1846	2149
Male slaves . . . . .	425	350
Female slaves . . . . .	606	779
	<u>4049</u>	<u>4480</u>

The disproportion between men and women, unusual in a colony, is a striking commentary on the character of the place.

§ 8. The Spanish were the next to come into touch with the Chinese. They were the discoverers of the West, as the Portuguese of the East, and it was through the West that they reached China. The first envoys from Manila, two priests, reached Canton in 1575, and, having been sent on to the viceroy at Shiu hing, were received with courtesy; they returned

<sup>13</sup> Ljungstedt, op. cit., p. 10.

<sup>14</sup> Ibid., p. 51.

<sup>15</sup> Ida Pfeiffer, "A Lady's Voyage," p. 52.

<sup>16</sup> Ljungstedt, op. cit., p. 54.

to Manila, having accomplished nothing. Trade with the Philippines sprang up, but it was in the hands of Chinese traders from Fukien—from Amoy, Chinchew, and Foochow; the numbers of these traders increased so rapidly that the Spanish, alarmed for their own predominance, decreed a general massacre in 1603. Of the 20,000 then settled in the islands under Spanish rule, but few escaped, nearly the whole being put to the sword.<sup>17</sup> Their numbers again increased, and in 1639 another general massacre disposed of two-thirds of the 33,000 then in the Philippines.<sup>18</sup> Then it was proposed to restrict their numbers to 6000, who should pay a capitation tax of six dollars each a year; then all were banished who would not accept baptism; but their numbers still increased. The trade with the Chinese empire conducted by the Spanish themselves was insignificant; but to them is due the credit for the introduction, in 1803, of vaccination into China.<sup>19</sup>

§ 9. The men of Holland came next. Excluded from indirect access to Chinese produce by the closing of Lisbon to their ships in 1594, a ship was sent to Canton in 1604 under the command of Wybrand van Warwick; but permission to trade was refused through the influence of the authorities of Macao.<sup>20</sup> A similar attempt in 1607 had a similar result. In 1622 Kornelis Rayerszoon appeared off Macao with fifteen ships, and, having landed 800 men for an attack, was repulsed with the loss of a third of their number, including the admiral. The force then proceeded to occupy the Pescadores; but after two years of attack and defence, either, as is probable, as the result of negotiation,<sup>21</sup> or, as claimed by the Chinese, as the result of defeat,<sup>22</sup> they then withdrew to Formosa. This island was then a no-man's land, with no one to oppose the Dutch, and they established themselves at Taiwanfu, where they built a block-

<sup>17</sup> R. M. Martin, *op. cit.*, i, p. 378; Parker, "China: her History, etc.," p. 86; Norman, "The Peoples and Politics of the Far East," p. 172; Foreman, "The Philippine Islands," p. 115.

<sup>18</sup> R. M. Martin, *op. cit.*, i, p. 379; Foreman, *op. cit.*, p. 116.

<sup>19</sup> R. M. Martin, *op. cit.*, i, p. 380. On the other side of the foreign account acute Asiatic cholera is said to have been first introduced in the spring of 1820 in a trading junk from Siam to Fukien; it was epidemic in China in the years 1820-1822.—Chinese Repository, Sept. 1843.

<sup>20</sup> Ljungstedt, *op. cit.*, p. 77.

<sup>21</sup> Williams, *op. cit.*, ii, p. 433.

<sup>22</sup> Macgowan, "Imperial History," p. 508.

house, "Fort Zelandia,"<sup>23</sup> and at Tamsui and Kelung, where they also built blockhouses; those at Taiwanfu and Tamsui still exist, the latter serving as offices for the British consulate. In 1658 they made another attempt to open trade with Canton, but the Portuguese again succeeded in frustrating their efforts; and in 1655 an embassy was sent to Peking under Peter de Goyer and Jacob de Keyzer. These envoys conformed in every way to the requirements of the Chinese. They carried rich presents, and allowed them to be called, and called them, tribute; and they received the gracious offering of gifts in return; they prostrated themselves before the emperor; they performed the three kneelings and the nine prostrations (the kotow) before his sacred name, his letters, and his throne; and they comported themselves as representatives of an Asiatic princeling bearing tribute and homage to their Asiatic suzerain. They hoped by this conduct in China to secure the trading privileges which they had acquired by the same means in Japan, but all they gained was permission to send an "embassy" once in eight years, and that four trading ships might accompany each such embassy.<sup>24</sup>

§ 10. Cheng Cheng-kung, a partisan of the deposed Ming emperors, better known as Koxinga (Kwok-sing-yeh), pressed by the ruling Manchus at his continental base at Amoy, sailed with a force of 25,000 troops for Formosa in 1661. The only opposition he met was from the Dutch, whom he closely invested in Zelandia Castel; this was surrendered after a siege of nine months, in which the besieged lost 1600 men, and Dutch rule in Formosa came to an end.<sup>25</sup> The Council at Batavia then sent a force of twelve ships to Foochow to co-operate with the Imperial forces against Koxinga; Amoy was captured by the joint forces, and the mainland thus brought under the Imperial sway, but no effect was produced on Formosa. Two years later, in 1664, counting on gratitude for the aid so loyally

<sup>23</sup> Inscription on the lintel, "Zelandia Castel, 1634." Ljungstedt, *op. cit.*, p. 78.

<sup>24</sup> Williams, *op. cit.*, ii, p. 435; R. M. Martin, *op. cit.*, i, p. 381; Nieuwhof (Astley's ed.), iii, pp. 425, 427 et passim; Nieuwhof (Ogilby's translation), pp. 122, 126 et passim. It was at first arranged that an embassy should go to Peking once in five years, but, as a special act of grace, the emperor of his own volition, at the formal audience, changed the period to eight years. —Nieuwhof (Ogilby's translation), p. 121.

<sup>25</sup> Williams, *op. cit.*, ii, p. 436; R. M. Martin, *op. cit.*, i, p. 384.

rendered as to a suzerain, the Dutch sent another embassy to Peking, under Pieter van Hoorn; it arrived there a year later. Though coming with the prestige of doughty deeds of valour, done in the interest of the Manchu dynasty—and their own—this envoy had in mind the commercial interests of his countrymen, and his acquiescence in the demands of the Chinese court was as complete at that of Goyer and Keyzer ten years before; tribute and gifts in return, kneelings and prostrations—all had no other result than to secure the enrolment of their nation among the tributaries of the Great Emperor, but not to obtain a grant of privileges.<sup>26</sup> In 1683 the emperor sailed in person to reduce Formosa and bring it under his dominion. He had summoned his faithful Hollanders to send a naval contingent; this they did, but it arrived late and found that the emperor had not waited for them.<sup>27</sup> For the next century, they conducted a clandestine trade at ports on the coast of Fukien, buying permission on each occasion; and they did not establish a factory at Canton until 1762, by which time the Co-hong system was fairly established, and a few foreigners more or less could do no harm.<sup>28</sup>

§ 11. The next embassy was sent in 1795, under Isaac Titsingh and A. E. van Braam. They resolved to avoid the errors which had caused the failure of the British embassy under Lord Macartney; he had refused to perform the kotow; they were ready even to improve on the methods of the preceding Dutch embassies, and to make whatever recognition of suzerainty the Chinese might demand. Their mission has been characterised by a sober historian in the following terms:<sup>29</sup>

“They were brought to the capital like malefactors, treated when there like beggars, and then sent back to Canton like mountebanks to perform the three-times-three prostration at all times and before everything their conductors saw fit.”

Their mission was without result, other than to confirm the Chinese in their belief that theirs was the civilisation to which

<sup>26</sup> Williams, *op. cit.*, ii, p. 438; R. M. Martin, *op. cit.*, i, p. 386.

<sup>27</sup> Macgowan, *op. cit.*, p. 533.

<sup>28</sup> R. M. Martin, *op. cit.*, i, p. 386.

<sup>29</sup> Williams, *op. cit.*, ii, p. 439.



all people must conform, and theirs the empire before which all the nations of the world must bow.<sup>30</sup>

§ 12. Here most appropriately is the place for the official list of the tributaries to the Chinese empire, as given in the Ta-tsing Hwei-tien, the Institutes of the Empire. As therein declared, Korea sends envoys once in four years, Loochow twice in three years, Annam once in two years, Laos once in ten years, Siam once in three years, Sulu once in five years. The envoys from Holland come by way of the Bogue in Kwangtung; the period is indeterminate [in 1655 it was settled at once in eight years]; the embassy may consist of one or two envoys, one attaché, one secretary, and others not exceeding one hundred in number, of whom not exceeding twenty may proceed to Peking. The envoys from Burma come by way of Tengyueh in Yunnan, once in ten years; the embassy is not to consist of more than one hundred persons, of whom not exceeding twenty may proceed to Peking. The envoys of Portugal, Italy [the Pope sent a legate, Cardinal Tournon, who was received in audience December 31st 1705, and a second legate, Cardinal Mezzobarba, arrived in Peking December 15th 1720<sup>31</sup>], and England come by way of the Bogue at no stated interval; each embassy may have three ships, with not exceeding one hundred men in each; only twenty-two may proceed to Peking, the rest remaining at Canton.<sup>32</sup>

<sup>30</sup> Williams, *ubi sup.*; R. M. Martin, *op. cit.*, i, p. 386; Van Braam, *passim*; de Guignes, *passim*. Van Braam's references to the kotow ("salut royal" it is called in translation) are much the more numerous; this is natural, as he was an accredited envoy, sometimes replacing his chief, and was himself called upon, on each occasion, to go through the ceremony. On one occasion, (i, p. 178) he records that the envoys of Holland and Korea were together in solemn audience of the emperor, were presented in succession, and went in succession through the ceremony of the three-kneelings-and-nine prostrations. De Guignes, who was a Frenchman, accompanied the embassy as a curious and interested guest. He records (i, p. 389) that Titsingh, who was on the sick-list during much of the stay in Peking, was much dissatisfied with the reception of the embassy, and wished to protest; but that he was over-persuaded by van Braam, who represented that such a course was likely to injure the trade prospects of the (Dutch) company.

<sup>31</sup> Ljungstedt, "Portuguese Settlements," p. 149; Bell, "Travels into Asia," ii, p. 35.

<sup>32</sup> Chin. Rep., April 1845; R. M. Martin, *op. cit.*, i, p. 264.

"On the 11th day of the 9th moon on the 2d year of Hien-feng (Oct. 23rd, 1852), the Imperial Commands were received as follows:

"Hsü Kwang-tsin has memorialised reporting the arrival of an ambassador from Siam at Canton, bringing the customary tribute, and also requesting the Imperial Ratification of his master's title, etc. Last year on the occasion of

§ 13. The English had opened trade with Japan early in the seventeenth century, but their first effort for direct trade with China was in 1637. In 1635, under licence from the governor of the Portuguese colony of Goa, a squadron of five ships was fitted out under Captain John Weddell, who, with four of them, arrived at Macao on June 25th, 1637.<sup>33</sup> The Macao authorities recognised no power in the governor of Goa to grant licences to trade in Chinese waters, and threw every obstacle in Weddell's way. After some days' patient waiting he despatched boats to discover for himself the entrance to Canton, and then proceeded with his ships to the Bogue. Here it was represented to him that the authorities at Canton must be referred to, and he was asked to wait six days; this period the Chinese utilised in arming the batteries. Receiving no reply to his request for leave to trade, Weddell then raised anchor to enter the river, but was fired on from the batteries. He returned the fire and silenced the guns, and, proceeding to Canton, disposed of his cargo, and loaded with sugar and ginger. The Chinese excused their hostile attitude by alleging the slanderous misrepresentations of the Portuguese, jealous for their monopoly.<sup>34</sup> The next attempt was in 1664, when one ship<sup>35</sup> was sent to Macao; the Portuguese interposed the usual

presenting the tribute our mandate was issued ordering it to be deferred until a request was presented for us to ratify the King's title. It now appears that the ambassador of the said kingdom has presented a letter, together with articles of tribute, being sufficient evidence of its respect and obedience. The said ambassador having already reached Canton, let officers be deputed to accompany him to Peking, to have our seal to the King's title affixed this year.

"Regarding the request from the Treasury of the said kingdom to permit the tribute ship to return (without waiting for the ambassador), let it be agreed to, and let the ship be exempt from paying duty on the cargo taken away. And touching the earnest request of the successor to the Throne, Chin-ming, to have Letters Patent issued under our Imperial Seal, let the same be done by the proper office conformable to the regulations, and according to rule delivered to the ambassador after he reaches the Capital. Received reverently."—North-China Herald, Nov. 13th, 1852.

<sup>33</sup> J. F. Davis, "The Chinese," i, p. 41; Eames, "The English in China," pp. 13 seq.

<sup>34</sup> G. Staunton, "Embassy," i, p. 4; Auber, op. cit., p. 135; Davis, op. cit., i, p. 42; R. M. Martin, op. cit., ii, p. 4; Williams, op. cit., ii, p. 444. Davis alone gives "May 28th" as the date of Weddell's arrival at Macao; Auber and Williams give it as being "in July"; Eames's date, "June 25th," seems the most authoritative.

<sup>35</sup> Auber (p. 138) refers to "the ships," and Davis (i, p. 44) refers to the charges "on each ship"; but as Martin (ii, p. 7) gives the name of the ship, the *Surat*, it is probable that one only was sent. During the thirty years

obstacles, and the Chinese demanded Tls. 2,000 for measurement. An offer of half was rejected, and a guard of Chinese soldiers was placed over the supercargoes' house; and, after lingering in Macao for five months, the ship returned to Bantam.<sup>36</sup> In 1674 a ship was again sent to Macao, but returned, having "only sold eleven pieces of cloth in barter, and that at poor rates."<sup>37</sup> In 1670, however, trade had been opened at Amoy<sup>38</sup> and in Formosa,<sup>39</sup> where arrangements were made with Koxinga, master of the island. The trade at Amoy was the more successful of the two, and another ship was sent there in 1677. The next year, 1678, the company's investment for the two places amounted to \$30,000 in specie and \$20,000 in goods.<sup>40</sup> In 1681 the factory at Amoy was closed, but was re-opened in 1685; and the capture of Formosa by the Imperial forces in 1683 put an end to trade with that island.

§ 14. Another attempt was made to open trade at Canton in 1681; but a monopoly had been granted to the Portuguese in consideration of an annual payment of Tls. 24,000,<sup>41</sup> and, with "stupid pertinacity,"<sup>42</sup> they altogether excluded the English and others from any share in the trade. In 1685 all the ports of China were open to foreign trade by decree of the emperor,<sup>43</sup> and it was then that the English, by the East India Company, secured the right to a factory at Canton; the first ship, however, was despatched in 1689. On her arrival, two weeks elapsed before the Hoppo's agents would consent to measure her, as a preliminary step before she could be permitted to enter port; and then began at once the old, and yet ever-flourishing, battle to decide how much must be paid outside the official scale of charges. The official measurer began by measuring the ship

intervening between 1635 and 1664, the East Indian Company, which was Tory, had been impoverished by the Commonwealth in England, and the trade of Canton had been injured by the displacement of the Mings by the Tsing dynasty of Manchus.

<sup>36</sup> Auber, *op. cit.*, p. 137; Davis, *op. cit.*, i, p. 44; R. M. Martin, *op. cit.*, ii, p. 7; Williams, *op. cit.*, ii, p. 445.

<sup>37</sup> R. M. Martin, *op. cit.*, ii, p. 8.

<sup>38</sup> *Ibid.*

<sup>39</sup> J. F. Davis, *op. cit.*, i, p. 45.

<sup>40</sup> Williams, *op. cit.*, ii, p. 445.

<sup>41</sup> R. M. Martin, *op. cit.*, ii, p. 9; Gutzlaff, "Chinese History," ii, p. 323; Matheson, "British Trade," p. 88.

<sup>42</sup> J. F. Davis, *op. cit.*, i, p. 46.

<sup>43</sup> R. M. Martin, *ubi sup.*; Ljungstedt, *op. cit.*, p. 19; Gutzlaff, *ubi sup.*; Matheson, *ubi sup.*

from stem to stern, but, on getting a bribe, consented to measure her from before the mizzen-mast to the after-side of the fore-mast; in fact, this last was the only legal and customary rule for measuring any ship, native or foreign.<sup>44</sup> Then a sum of Tls. 2484 was demanded; this the supercargoes refused to pay, threatening to depart without doing any trade, and a week later it was reduced to Tls. 1500, of which Tls. 1200 were declared to be the official measurement fee, and Tls. 300 a gratuity to the Hoppo.<sup>45</sup> In 1701 the company attempted to open trade at Ningpo, sending a ship there with a venture, or "investment," of £101,300, while in the same year the investment for Amoy was £34,400, and that for Canton only £40,800; the experiment was a failure, owing to the unregulated exactions imposed, even greater than at Canton.<sup>46</sup>

§ 15. In 1715 the East India Company resolved to place their trade with China on a regular footing, to establish a factory with a permanent staff at Canton, and to despatch their ships at stated seasons; at the outset, however, and until 1770, the permanent staff consisted of the collective body of supercargoes of the ships of the season.<sup>47</sup> From this time on, the history of English trade, and of the English East India Company in China, is the history of the Canton factories, and will be dealt with in the chapter on that subject; but it is necessary to deal here with the two earliest British embassies to the court of Peking.

§ 16. The decision to despatch the Earl of Macartney on his mission was made by the British government; indeed, the court of directors of the East India Company were apprehensive lest, by eagerly contending for the redress of grievances, or prematurely insisting upon further privileges, the government of China should take alarm, and stop entirely the foreign trade, which, though it was conducted under conditions of grievous hardship and intolerable exaction, they by no means wished to abandon.<sup>48</sup> The company, though apprehensive of losing the greater in demanding redress for the less, still offered no

<sup>44</sup> Auber, *op. cit.*, p. 148; R. M. Martin, *op. cit.*, ii, p. 9; Gutzlaff, "China Opened," ii, p. 89.

<sup>45</sup> Auber, *op. cit.*, p. 149; Davis, *op. cit.*, i, p. 47; R. M. Martin, *op. cit.*, ii, p. 9; Williams, *op. cit.*, ii, p. 446.

<sup>46</sup> Auber, *op. cit.*, p. 149; Williams, *op. cit.*, ii, p. 446.

<sup>47</sup> Auber, *op. cit.*, pp. 152, 178; R. M. Martin, *op. cit.*, ii, p. 10.

<sup>48</sup> G. Staunton, "Embassy," i, p. 28.

opposition; and the embassy sailed from Portsmouth on September 26th, 1792, and arrived at Taku, at the mouth of the Tientsin river, on August 5th, 1793. Its reception was in marked contrast with that of any of the Portuguese or Dutch embassies which have been referred to, and this can only be explained by the dignified bearing, as of a royal envoy, assumed by Lord Macartney himself, and his avoidance of any appearance of being a mere commercial emissary. The viceroy of Chihli came a hundred miles from his capital, Paotingfu, to Taku for an exchange of ceremonial visits;<sup>49</sup> an official of the third civil rank was detailed, *legatus a latere*, by the emperor to be in attendance on the envoy;<sup>50</sup> boats perfectly suitable for their purpose were supplied to convey the embassy and its six hundred cases of presents up the river to Peking; and provisions and all other supplies were furnished free of cost from the time of reaching Taku until the final departure from Canton.<sup>51</sup> The Chinese court, with all this courtesy, was determined, however, that there should be no relaxation on essential points—business, tribute, and prostrations. The boats and carts conveying the members of the embassy bore flags inscribed with characters signifying “Ambassador bearing tribute from the country of England.” This was known to the envoy, but he made no protest, preferring to let his ignorance be assumed, especially as a failure of redress, which was not at all unlikely, might have jeopardised the success of his mission, or even abruptly terminated it.<sup>52</sup> On the “prostrations”<sup>53</sup> the Chinese were insistent, and employed every argument to induce Lord Macartney to comply with what was “merely a customary form of courtesy” to their sovereign. The ambassador wished to do all he could to show courtesy to the sovereign to whom he was accredited, so far as was consistent with his duty to his own sovereign, and did not absolutely refuse to comply with the demand made; but he was resolved that nothing he might do should be interpreted to indicate vassalage or subordination of England to China. To effect this, he offered to exchange mutual agreements in writing, that a subject of the emperor, of rank equal to his own, should perform, before a portrait of his

<sup>49</sup> G. Staunton, *op. cit.*, ii, p. 9.

<sup>50</sup> *Ibid.*, i, p. 485.

<sup>51</sup> *Ibid.*, ii, pp. 8, 285, 287, 582.

<sup>52</sup> *Ibid.*, ii, p. 130.

<sup>53</sup> Sir G. Staunton's word.

Britannic Majesty, dressed in his robes of state, the same ceremonies which the ambassador would be required to perform before the Chinese throne.<sup>54</sup> This proposal excited consternation in the higher Chinese officials, to whose decision it was submitted; and ultimately it was arranged that, on approaching the emperor, the ambassador should bend on one knee—the mark of respect he showed his own sovereign.<sup>55</sup> Of business, not a single point was settled, or even discussed, from the arrival of the embassy in August until its departure from Peking on October 7th, nor was any further settlement reached in the interval between that date and its departure from Canton. One object was a mitigation of the restraints and exactions on trade at Canton; these continued until they were removed by war. Another aim was to secure liberty to trade at places other than Canton—at Tientsin, Ningpo, Chusan, and other places; this was peremptorily refused.<sup>56</sup> Not one real advantage was gained, except that it could be declared that "the ambassador was received with the utmost politeness, treated with the utmost hospitality, watched with the utmost vigilance, and dismissed with the utmost civility."<sup>57</sup>

§ 17. The second British embassy, that of Lord Amherst in 1816, was despatched with the hope that the establishment of direct relations between the two governments might lead to better trade conditions generally; but the immediate crisis which led to its being sent originated in the acts of H.M.S. *Doris* in 1814. This national ship, cruising off Canton waters, with her base at Macao, captured the American merchant-ship *Hunte*, off the Ladrone Islands in April, and brought her into Macao as a prize; and, in the following month, her boats chased an American schooner from near Macao right up to Whampoa, where they took her, though she was recaptured by the crews of the American ships in port.<sup>58</sup> The Chinese authorities at once protested against these acts, which to-day, with their acquired knowledge of international rights and obligations, they would characterise as a breach of neutrality, and even then

<sup>54</sup> G. Staunton, op. cit., ii, p. 144.

<sup>55</sup> Ibid., ii, pp. 214, 232.

<sup>56</sup> J. F. Davis, "The Chinese," i, p. 70. For the emperor's reply to King George's letter, see E. H. Parker, in *Nineteenth Century* for July 1896.

<sup>57</sup> Auber, op. cit., p. 200.

<sup>58</sup> J. F. Davis, op. cit., i, p. 88.

declared to be an infringement of China's sovereign rights. They required the East India Company's select committee, whose president (taipan, they called him) they held responsible for all acts done by any of his countrymen, to order the *Doris* to leave Chinese waters forthwith; and when the committee replied that it had no authority over a king's ship, the argument was brushed aside, and the threat was made that English trade would be stopped if the *Doris* did not leave, while steps were actually taken to enforce the rule prohibiting foreigners from employing Chinese servants. Neither king's officers nor company's agents could see anything wrong in the acts of the *Doris*, and, indignant at the high-handed action of the authorities, the committee resolved to send away the company's ships, and not to trade further until redress was obtained. It was a game of bluff on both sides, and the Chinese gave way on the point at issue.<sup>59</sup> As illustrating the difference in the point of view, it may be noted that the eighth of the articles proposed by the company's agents for settling the dispute, which had originated in the seizure of American ships and goods by a British ship of war, provided that "English prize goods be not sold by the Americans at Whampoa."<sup>60</sup>

§ 18. The British government decided, notwithstanding the failure of achievement by Lord Macartney's embassy, to despatch a second envoy to Peking, whose object should be to obtain "a removal of the grievances which had been experienced, and an exemption from them and others of the like nature for the time to come, with the establishment of the Company's trade upon a secure, solid, equitable footing, free from the capricious, arbitrary aggressions of the local authorities, and under the protection of the Emperor, and the sanction of regulations to be appointed by himself."<sup>61</sup> Lord Amherst was appointed ambassador, and, sailing from Portsmouth, February 8th, 1816, arrived at Peking August 28th. The Chinese court, under a new emperor, had repented its courteous treatment of Lord Macartney; and Lord Amherst, whose boats bore the customary flags inscribed "tribute bearer," had to submit to

<sup>59</sup> Auber, op. cit., pp. 241 seq.; J. F. Davis, op. cit., i, p. 88; R. M. Martin, op. cit., ii, p. 20; Williams, op. cit., ii, p. 457; Foster, "American Diplomacy in the Orient," p. 39.

<sup>60</sup> Auber, op. cit., p. 250; R. M. Martin, op. cit., ii, p. 21.

<sup>61</sup> Auber, op. cit., p. 256; J. F. Davis, "The Chinese," i, p. 90.

one constant and continuous wrangle during his voyage from Taku to Peking, on the subject of the kotow, the mark of respect prescribed to the Imperial throne.<sup>62</sup> In this matter the ambassador had divergent instructions: his government had authorised him to consider it as a matter of expediency, and to comply with the demand, if thereby he could secure the object of his mission; the directors of the company, however, considered that the effect to be produced at Canton outweighed any apparent advantages at Peking, and advised him to make no concession, in point of ceremony or reception, which might diminish the national prestige.<sup>63</sup> Lord Amherst once or twice seemed to hesitate,<sup>64</sup> but, in his discussions with the Chinese, he maintained a consistent attitude and refused all concession on this one point. Arriving at Tungchow on August 28th, the embassy was hurried on through the day and night over the rough roads to the palace at Yuenmingyuen, where it arrived at 5 o'clock on the morning of the 29th. The ambassador found, awaiting his arrival, a great number of princes and officials in full court dress, insistent, even to the extent of some hauling and pushing, on taking him to an immediate audience; he refused to proceed farther, however, alleging his state of extreme fatigue, his want of suitable apparel, and, especially, the absence of his credentials. The insult offered had been gross, and every member of the embassy accepted readily the decision of the Chinese authorities that they were to start at once on their return journey.<sup>65</sup> It was learned afterwards that the officials had assured the emperor that fitting ceremonial would be observed, and it was supposed that they had fully expected that the ambassador would yield under the stress of fatigue and the excitement of being pushed unprepared into an audience.<sup>66</sup> Lord Amherst returned to Canton *re infecta*. He had gone to Peking to demand reform in the habitual procedure of the Canton authorities; they had taken up the challenge, and had obtained a complete victory. At a later date it was clearly seen, and even then the opinion was formed, that only three alternatives remained: a resort to force to compel the Chinese to regulate the trade on reasonable terms,

<sup>62</sup> J. F. Davis, "Sketches of China," i, pp. 36, 46, 53, 66, 91, 95, 107, 116, 118, 138.

<sup>63</sup> Ibid., i, pp. 54, 56.

<sup>64</sup> Ibid., i, pp. 132, 137.

<sup>65</sup> Ibid., i, pp. 151-155.

<sup>66</sup> Ibid., i, p. 162.



absolute submission to such rules as they might prescribe, or abandonment of the trade.<sup>67</sup> An immediate resort to force, in the interest of English trade, but to secure benefits in which all others must have shared, would have been quite justifiable; but, as happened on several later occasions, the actual events which gave rise to the proceedings of which complaint was made, were such as to put England technically in the wrong, when judged by the standards of the twentieth century; while, as was also usual, the Chinese conduct of their case was such as could not be endured by any nation which was not, in fact, vassal to the empire, or would not, like the Dutch, assume a vassal's attitude in the hope of obtaining trading privileges.

§ 19. The French, at long intervals, despatched ships to Canton from 1660. A factory was established in 1728, but trade assumed only small dimensions through the eighteenth century. The French consular flag was first raised in 1802, upon the conclusion of the peace of Amiens; was hauled down again in 1803, upon the resumption of hostilities with England; and was not again raised until 1832, though a consul had been recognised (presumably as *taipan*, over the French traders) in 1829.<sup>68</sup>

§ 20. The Americans, whose previous connexion with the tea trade had been through the good offices of the English East India Company by way of Boston harbour, sent a ship direct to Canton in 1784, a year after the conclusion of the treaty of Versailles. A good trade was made, and the experiment was followed up. Favoured by the native enterprise of American merchants and seamen, by freedom from the restrictions of privileged incorporated monopoly, and by the neutral status which, for a quarter-century, was enjoyed by Americans almost alone among the nations of the West, American trade advanced by bounds, and soon occupied second place in the commercial world of Canton, as will be described in connexion with the factories. The only political incident touching this early American trade was the execution of the American sailor Terranova in 1821, and this, too, will be referred to later.

§ 21. Among others of the maritime nations having trade at Canton, at one time or another, were Swedes, Danes, Prussians, Hamburgers, Bremeners, Austrians (i.e. Belgians),

<sup>67</sup> Williams, "Middle Kingdom," ii, p. 459.

<sup>68</sup> R. M. Martin, "China: Political, etc.," i, p. 396.

Italians, Peruvians, Mexicans, and Chilians; but their trade was never important, and, in the early days, gave rise to no incident calling for comment.

§ 22. Russia came in touch with China, politically and commercially, by their common land frontier. The first recorded embassy from Russia reached Peking in 1567, but the envoys, Petroff and Yallysheff, having no presents (q.v. tribute), did not succeed in gaining access to the emperor. In 1619 Evashko Pettlin reached Peking, but he too was refused an audience for the same reason.<sup>69</sup> In 1653 a third embassy was despatched under Baikoff, and was in Peking at the same time as the Dutch embassy of Goyer and Keyzer.<sup>70</sup> The same demands as to tribute and ceremonial were made on the two embassies; but, while the Hollanders promptly conceded every point, the Russian envoy refused absolutely to perform any ceremony which should derogate from the dignity of his country, or the equality of the White Tsar to the Bogdokhan, "The Emperor dei Gratia," and was not granted an audience. Trading caravans came to Peking in 1658, in 1672, and in 1677, but the next embassy sent by the Tsar was in 1689, with Theodor Golovin and John Wlasoph as ambassadors. Expanding Russia had been pushing forward, and had come in contact with the Chinese on the ill-defined frontier which separated the two countries; and, reaching the Amur<sup>71</sup> about the middle of the century, her troops built forts, of which Albazin and Kamarskai-astrog were the best known, and planted colonies. A frontier war began in 1680. The Chinese (using this as a generic term, to include the Manchus) laid siege to Kamarskai-astrog, from which they were repulsed; they then attacked Albazin, and took it, with many prisoners. The Russians rebuilt Albazin, and again it was assaulted by the Chinese, 7,000 strong, but this time without success. A conference was then held at Nipchu or Nerchinsk, at which the Chinese plenipotentiaries were accompanied by a force of 10,000 foot, 3000 camels, and 15,000 horse.<sup>72</sup> Under the influence of this

<sup>69</sup> Williams, *op. cit.*, ii, p. 441.

<sup>70</sup> Nieuhof, "An Embassy, etc." (Ogilby's trans.), p. 118.

<sup>71</sup> The Amur, formerly better known as the Sahalin or Saghalien, and called then and now by the Chinese, Heilungkiang (Black Dragon River), which gives its name to one of the three provinces of Manchuria.

<sup>72</sup> R. M. Martin, *op. cit.*, i, p. 386.

force a treaty was negotiated and signed, August 27th (o.s.) 1689, "the first treaty in which the Chinese had ever been concerned since the foundation of their empire."<sup>73</sup> It defined the boundaries between the two empires, provided for the demolition of Albazin, arranged for transfrontier trade, and introduced the first elements of the principle of extraterritoriality: if any of either nationality committed acts of violence on the foreign side of the frontier, they were to be sent to their own side of the frontier and delivered to the officers of their own nation, "who will inflict on them the death penalty as punishment for their crimes." The form of the treaty, however, is significant. The Latin and Russian texts give all the titles of the two potentates and of their envoys, and define the frontier "between the two empires"; the Chinese text has no honorific preamble, and for the frontier declares that "all south of the river belongs to my dominion, and all north to the Russians."<sup>74</sup>

§ 23. In 1693 Everard Ysbrandt Ides reached Peking as ambassador. He was well received and courteously entertained; <sup>75</sup> nothing definite is known of the form of his reception, but it is believed that he conformed to Chinese requirements in the matter of the kotow.<sup>76</sup> In 1720 came the next embassy, with Leoff Ismayloff as ambassador. He agreed to follow Chinese ceremonial, on condition that "when the emperor sent a minister to Russia, he should have instructions to conform himself in every respect to the ceremonies in use at that court," and this offer was promptly accepted. The ambassador, when received in audience, presented his letters kneeling; but, after

<sup>73</sup> Raynal, quoted in Auber, *op. cit.*, p. 92.

<sup>74</sup> "Treaties between China and Foreign States," pp. 3. and 1. The boundaries agreed to were: 1° North of the Shilka (the left branch joining the Argun as right branch, to form the Amur), according to the Russian text, "the river Gorbitza which joins the Shilka from its left side near the river Tchernaya"; according to the Latin text, "the rivulet Kerbichi, which is near the river Chorna, called Urum in Tartar tongue, and flows into the Sagalien"; and according to the Chinese text, "the stream Gorbichi, which flows into the Heilungkiang near the Chan-er-na or Urum stream"; from the source of the Gorbitza, following the watershed to the (Pacific) ocean, so that all land draining into the Amur should belong to China, and all draining to the north to Russia. 2° South of the Amur, the river Argun (in Latin, Ergon), so that all to the south (i.e. east) of the Argun should belong to China, and all to the north (i.e. west), to Russia. The Argun is still the boundary south of the Amur.

<sup>75</sup> Auber, *op. cit.*, p. 93; R. M. Martin, *op. cit.*, i, p. 389.

<sup>76</sup> Williams, *op. cit.*, ii, p. 442.

he had retired from the hall of audience, he was called back and, with his suite, compelled to perform the customary three kneelings and nine prostrations.<sup>77</sup> In 1727 Count Sava Vladislavich was sent as ambassador, but there is no record that he reached Peking. On August 20th (o.s.) he signed a convention, dealing with the delimitation of the Russo-Chinese frontier near Kiakhta, and on October 12th (o.s.) and 27th (o.s.) two protocols, regulating the boundary marks east and west, respectively, of that place;<sup>78</sup> and on October 21st (o.s.), at Nipchu or Nerchinsk, signed the "Treaty of the Frontier," also called the treaty of Kiakhta, at which place the ratifications were exchanged June 14th, 1728 (o.s.). This treaty provides for the delimitation of the frontier in the vicinity of Kiakhta, for the conduct of transfrontier trade, for correspondence and embassies, for the extradition of criminals to be dealt with extraterritorially (as under the treaty of 1689), and, in article v, arranges for a permanent legation house at Peking, in which may remain permanently four priests of the Orthodox Russian church, and four youths and two adults "to study the languages." This article also stipulated, in the words of the Latin text, "non impediuntur Russi recitare, et colere suum Deum suo modo."<sup>79</sup> The persecution of the Roman Catholics, whose missionaries had been ordered in 1724 to leave the country, was then at its height; and the (Chinese) orthodox emperor<sup>80</sup> may well have desired to find a counterpoise for the "pernicious intrigues" of the Jesuits, and to have at hand other interpreters for his international requirements.<sup>81</sup>

In 1733 an embassy was sent from Peking to St. Petersburg, consisting of three envoys with a numerous retinue; presents were given and received in return.<sup>82</sup> This was the only embassy sent to a foreign court by the present dynasty, until the reign of Tungchih (1861-1874).

The caravans ceased to go to Peking, and a trade mart was established at Kiakhta, on the Russian side opposite to the

<sup>77</sup> Bell, "Travels into Asia," ii, p. 7.

<sup>78</sup> "Treaties," pp. vii, xi, xviii.

<sup>79</sup> *Ibid.*, pp. 8, xxi, xxxiii.

<sup>80</sup> The Emperor Yungcheng, author of the Sacred Edict, which for nearly two centuries has been read publicly, twice in every month, in every city temple throughout the empire.

<sup>81</sup> Williams, *op. cit.*, ii, p. 443.

<sup>82</sup> R. M. Martin, *op. cit.*, i, p. 392.

Chinese town of Maimaichen, but at what date is uncertain; it was, however, between 1730 and 1768.<sup>83</sup>

In 1768 Kropotoff was sent as ambassador. He was not received at Peking,<sup>84</sup> but on October 18th (o.s.), at Kiakhta, he signed a convention, supplementary to the treaty of 1727, defining more carefully the procedure to be followed in extraditing and punishing criminals.<sup>85</sup> In 1792 a convention was signed by the governor of Irkutsk and the Chinese frontier authorities, regulating trade at Kiakhta and across the frontier.<sup>86</sup>

§ 24. In 1806 two Russian ships arrived at Canton to trade. They were allowed to sell their goods and load a cargo; but orders came at once from Peking, just too late to permit of the detention of the ships, that Russia, which enjoyed the privilege of trade by the land frontier, could not also employ the sea route, and that her ships must be excluded from the trade of the Canton factories.<sup>87</sup>

<sup>83</sup> Williams (op. cit., ii, p. 443) says "about 1730," and he is very accurate generally in his dates: R. M. Martin (op. cit., i, p. 393) says that the mart was established by the Empress Catherine (Catherine I, 1725-1727, Catherine II, 1762-1796), but his dates are frequently wrong; Gutzlaff ("Chinese History," ii, p. 435), referring to events subsequent to 1737, says that Catherine (i.e. Catherine II, 1762-1796) resolved to transfer the Peking trade to Kiakhta; the treaty of 1768 refers in the preamble (according to the French translation from the original Manchu, "Treaties," p. 18) to the "deux dépôts de commerce à Kiakhta et à Zsonouikhaïtou" at which affairs are to remain "dans l'ancien état."

<sup>84</sup> R. M. Martin, op. cit., i, p. 393.

<sup>85</sup> "Treaties," pp. 18, xlv.

<sup>86</sup> Ibid., p. xlvii.

<sup>87</sup> Auber, op. cit., p. 111; R. M. Martin, op. cit., i, p. 395; Milburn, "Oriental Commerce," ii, p. 490.

## CHAPTER IV

### THE CANTON FACTORIES AND THE CO-HONG

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§. 1. By the end of the seventeenth century the foreign trade of China had mainly gravitated to Canton, owing to the heavy and unrestrained exactions imposed at other ports, Amoy,

Ningpo, etc. The exactions even at Canton were the subject of much complaint, but they had not been systematised, and there was a constant process of bargaining between the officials who wished to receive the more, and the traders who wished to pay the less. The former had the power of the keys—of demanding payment for admission to the privileges of the port, and again payment for their continuance; while the latter could refuse to trade, if too much was demanded, and made a common practice of keeping their ships outside the Bogue, until the supercargo had settled, by negotiation at Canton, the amount of fees which his ship must pay. The first step in regulation, not of the fees but of the trade, was taken in 1702, when the "Emperor's Merchant" was appointed to be the sole broker through whom all foreigners must buy their teas and silk, and must sell the few foreign products for which a demand then existed. The monopoly thus created was objectionable to the foreign traders, besides the general objection to a monopoly, because the holder was not one of the great merchants of Canton, and could not supply them with a cargo except after much delay; to the other merchants of Canton, who were shut out from a profitable trade; and to the officials, both fiscal and territorial, because, while leaving their control over the ships unimpaired, it interfered with their full power of taxing the trade in products. Two years later the Emperor's Merchant found himself forced to admit other merchants to a share in his monopoly, but for this concession he exacted a sum of Tls. 5000 for each ship, this amount being, of course, a charge on the trade and recovered directly from the foreign trader.<sup>1</sup>

§ 2. In 1715 the English East India Company decided to enter regularly into the China trade; and, as there was on the one hand a body of officials and merchants keenly desirous of encouraging their entry, and on the other a knowledge of the difficulties and exactions which had beset the trade in the past, the supercargoes established a concordat with the Hoppo on the following terms:<sup>2</sup>

1°. Freedom to trade with all without restriction.

2°. Freedom to engage and dismiss what Chinese servants they pleased, and jurisdiction over their own English servants.

<sup>1</sup> Auber, "China: an Outline," p. 150; J. F. Davis, "The Chinese," i, p. 48; R. M. Martin, "China: Political, etc.," ii, p. 9.

<sup>2</sup> Auber, *op. cit.*, p. 153; R. M. Martin, *op. cit.*, ii, p. 10.



THE FRONT OF THE CANTON FACTORIES.





3°. Freedom to buy provisions and other necessities for their factory and ships.

4°. Exemption from duty on goods unsold and reshipped, and on stores for the factory.

5°. A tent on shore to repair casks, sails, etc.

6°. Ship's boats with colours flying to pass without examination, and the seamen's pockets not to be searched.

7°. The supercargoes' escritoirs and chests to pass without examination.

8°. "That the Hoppo would protect them from all insults and impositions of the common people and mandarins, who were annually laying new duties and exactions which they were forbidden to allow of."

These were readily assented to, though there is no evidence that they were ever carried out; but to a ninth proposed article the Hoppo said he could not agree. It was :

"That the four per cent. be taken off, and that every claim or demand the Hoppo had, should be demanded and determined the same time with the measurement of the ship."

The "four per cent." (on the value of sales and purchases) had been established at an early date. One of the four was a gratuity to the intermediary to facilitate the transaction of business; the other three had been a charge on the merchants dealing with a ship, but was passed on to the foreign trader; and the whole had been annexed by the officials and become a customary charge.<sup>3</sup>

§ 3. In 1720 the Cantonese merchants formed a guild, or Co-hong, to regulate prices in their own interest. This "combination which the Chinese were forming to set their own prices on the goods they sold Europeans, thereby to have their proportions of the real profit on the said goods, whoever appeared to be the seller,"<sup>4</sup> purported to be an organisation of the merchants; but, from the evidence we have of the active control exercised by the officials over foreign trade, there can be no doubt that it had official support, even if it was not an official creation. The supercargoes protested, and refused to begin their trade until the viceroy should consent to abolish the monopoly. It was, in consequence, abolished,<sup>5</sup> but was revived without much delay.<sup>6</sup>

<sup>3</sup> Auber, *op. cit.*, p. 151.

<sup>4</sup> Letter of Court of Directors to the supercargoes, in Auber, *op. cit.*, p. 156.

<sup>5</sup> Auber, *op. cit.*, p. 157.

<sup>6</sup> It is recorded that, in 1727, a formal protest was addressed to "the head merchant," without further comment, as if it were then the ordinary course

§ 4. The exactions continued to increase year by year, and in 1727 the supercargoes declared that, if they were not reduced, the ships would leave Canton and open trade at Amoy. The Hoppo thereupon promised that no more than the official tariff should be paid. In 1728 a surtax of ten per cent. ad valorem was imposed on all produce sold to foreigners. The supercargoes protested to the viceroy, but unsuccessfully.<sup>7</sup> In 1732 the ships were again kept outside the Bogue until an assurance could be obtained that the concordat of 1715 would be respected; the Hoppo readily assented, but the irregularities continued. In 1736, by an act of grace on the accession of Kienlung to the throne, the surtax of ten per cent. was removed, in consideration of which "considerable presents were made to the viceroy," said to have amounted to Tls. 30,000.<sup>8</sup> The irregular exactions in connexion with, and additional to, the measurement fees levied on the entry of a ship, had in course of time become consolidated into one fixed charge of Tls. 1950. This charge was the subject of constant protest, in 1734, in 1737, in 1747, in 1752, in 1754, in 1760, but all ineffectual.<sup>9</sup>

§ 5. In 1754 the supercargoes felt that the exactions had become too burdensome to endure, and they notified the viceroy of their intention to have no more ships come to Canton; the viceroy thereupon enjoined the Hoppo to remedy grievances as far as lay in his power, and the ships entered the river. In that same year orders were given to institute the system of "security merchant," and in 1755 to restrict all dealings with foreign ships to the Hong merchants, and to shut out the smaller people who seem to have crept into the trade.<sup>10</sup> The coils were tightening around the foreign traders. They had repeatedly protested and threatened to withdraw from the trade; their protests had been met on each occasion by smiling

(Auber, *op. cit.*, p. 158). R. M. Martin (*op. cit.*, ii, p. 11) refers to "the Hong merchants" under the year 1723; but his dates are somewhat uncertain, and under the same year he refers to the Consou fund, which was created at a much later date. Williams ("Middle Kingdom," ii, p. 447) records the creation of the Co-hong in 1720, and makes no reference to any interruption in its activity. Hunter ("Fan-kwaë," p. 34) says that from 1720, except for a short interval before 1725, the Hong merchants were the monopolists of the foreign trade.

<sup>7</sup> Auber, *op. cit.*, p. 156.

<sup>8</sup> *Ibid.*, p. 162; Gutzlaff, "Chinese History," ii, p. 329.

<sup>9</sup> Auber, *op. cit.*, pp. 162, 163, 166, 167, 168, 174.

<sup>10</sup> *Ibid.*, pp. 168-169.

assurances that their grievances would be redressed; and each such episode had marked a step ahead in enforcing a stricter control over the foreign trade, in the interest of the officials and of the merchants whom they favoured.

§ 6. The Chinese at Canton felt that their one weak flank must be strengthened, and in 1757 an Imperial edict was issued making Canton the sole staple,<sup>11</sup> and prohibiting all foreign trade at any other port. The East India Company were then in the midst of a serious attempt to open trade at Amoy and Ningpo, but it failed; and a memorial transmitted through the Tientsin authorities to hand to the emperor failed also.<sup>12</sup> The company was compelled to confess defeat, and the fruits of victory were reaped by the officials and merchants of Canton, in the formal chartering of the Co-hong in 1760. The probable incentive to this step was the despatch by the company, in 1760, of a special representative, who formulated his demands for redress on the following points: <sup>13</sup>

1°. The abolition of the gratuity of Tls. 1950.

2°. Relief from the surtax of six per cent. paid on imports, and the premium of two per cent. on all payments to the Hoppo.

3°. "To be allowed to pay their own duties, and not through the merchants who are styled securities, whom they charged with applying the funds to their own purposes."

4°. Direct access to the Hoppo, and direct access for appeals to the viceroy.

The answer to this protest was unfavourable.

§ 7. The members of the Co-hong were, of course, squeezed unmercifully, and in 1771 it was found that many of them were bankrupt, besides being in arrears with the dues payable to the officials;<sup>14</sup> and the Co-hong was dissolved. This was represented to have been done in the interest of the foreign traders; "it cost Puankequa 100,000 tales, which the company repaid him." <sup>15</sup>

<sup>11</sup> "The Staple was an appointed place to which all . . . merchants were required to take their wool and other staple commodities for sale. Its purpose was to bring merchants so closely together that trade might be more easily regulated and supervised, and, especially, in order that the customs duties might be more easily levied."—W. J. Ashley, "English Economic History and Theory," i, p. 111.

<sup>12</sup> Auber, *op. cit.*, p. 170; Eitel, "Europe in China," p. 6; J. F. Davis, "The Chinese," i, p. 57; Williams, *op. cit.*, ii, p. 448.

<sup>13</sup> Auber, *op. cit.*, p. 174; Gutzlaff, "China Opened," ii, p. 105.

<sup>14</sup> Eitel, *op. cit.*, p. 8.

<sup>15</sup> Auber, *op. cit.*, p. 178.

§ 8. One form of import had slipped in, unnoticed and untaxed, and that was capital. The rates of interest ruled high in China: rates of 5 per cent. a month were known, 2 or 3 per cent. a month on temporary loans were common, while even with the best security on running account the rate was not under 1 per cent. a month.<sup>16</sup> Attracted by these rates, money came in freely, especially from India, to be lent to the merchants of Canton; and in 1782 many of the latter were found to be heavily in debt to foreign traders, to the amount of \$3,808,075,<sup>17</sup> and to have difficulty in meeting their obligations. Financial credit is the Chinaman's tenderest spot, and, to redeem that, he will do much; an Imperial edict was, therefore, at once issued, ordering the loans to be repaid forthwith, and prohibiting the incurring of such debts in future.<sup>18</sup> The immediate result of this act of grace to the foreign trader was the chartering of a body of, at first "The Twelve," and subsequently "The Thirteen Merchants," or "The Foreign Merchants," called generally by the old name of Co-hong. They were to assume sole control of the foreign trade, to ensure due obedience to the orders of the government, and to serve as the sole intermediary for communications between the government and the foreign traders. They were also given the administration of the Consoo (Kungso, gild) fund, provided by a direct levy of three per cent. on the foreign trade, and available to meet any liability for debts, fines, losses, etc.

§ 9. The merchant gild<sup>19</sup> of Canton was thus fully established, with an organisation and having privileges which remained unchanged for sixty years. It was armed with the full powers of the government, acting as its agent and receiving its full support on the one hand, and on the other serving as the channel through which was transmitted the stream of wealth in which the officials expected to share largely. The Hoppo had to find enormous sums outside his collection as officially reported, and adherence to a fixed tariff would have defeated the principal object of his office; and the Co-hong was the instrument by which he tapped the foreign trade and extracted

<sup>16</sup> Hunter, "Fan-kwae," p. 39.

<sup>17</sup> Matheson, "British Trade," p. 96.

<sup>18</sup> Auber, *op. cit.*, p. 182. Cf. chap. vii, § 19.

<sup>19</sup> Cf. the author's "Gilds of China," London, 1909.

from it a private income unparalleled since the palmy days of the Roman empire. The viceroy had also to fill a yawning purse, and had the ultimate responsibility for maintaining law and order; he too, after the Hoppo, took his share in the spoil; and, after a century of experience it had been found that the easiest way of keeping the foreign traders in a proper state of respect for the law, as laid down by the officials, and for their orders, was through the Co-hong. What was true of the viceroy was true also of every official at Canton, and the Co-hong was now the inevitable buffer in all matters of dispute.

§ 10. Regulations were made for the control of the foreigner, his ships and his trade, and were added to from time to time; and those in force were brought to the factories at irregular intervals, and read aloud by the linguist, as an intimation that they were not a dead letter.<sup>20</sup> The more important among them may be summarised as follows:<sup>21</sup>

1°. Ships of war must remain outside the river, and must not enter the Bogue.

This rule was never relaxed. When war-ships arrived, measurement fees were demanded, invariably in the eighteenth century, occasionally even in the nineteenth; the demand was usually rejected, but sometimes complied with.<sup>22</sup>

2°. Women must not be brought to the factories; nor could guns, spears, or other arms.

This rule was rigorously enforced. As late as April 1830 the Chinese threatened to stop the trade, in order to enforce the immediate departure of three ladies who had come from Macao to visit the English factory; and in November of the same year the difficulty was renewed by a visit of a few days by some American ladies.

3°. Hong merchants must not be in debt to foreigners.

Quis custodiet ipsos custodes? The temptation was too great; foreigners would not abstain from lending, nor Chinese from borrowing, and neither from keeping open accounts. A clean slate was repeatedly ordered; the last occasion of such a liquidation under the Co-hong was in 1831, and yet, five years later, in 1836, the amount of such debts due was admitted to be not less than \$3,000,000.<sup>23</sup>

<sup>20</sup> Hunter, *op. cit.*, p. 28.

<sup>21</sup> Gutzlaff, "China Opened," ii. p. 76; Auber, *op. cit.*, p. 344; Hunter, *op. cit.*, p. 28.

<sup>22</sup> Cf. chap. v, §§ 4, 5.

<sup>23</sup> Cf. chap. vii, §§ 24, 25.

4°. Foreign traders must not engage Chinese servants.

This was regularly relaxed, but was always a weapon to be used in *terrorem*, as in 1814, 1834, and 1839.<sup>24</sup>

5°. Foreigners must not use sedan chairs.

Walking was the only mode of progression suitable for such folk as the foreign traders, and not too much of that.

6°. Foreigners must not row for pleasure on the river. Three days in the month (on the 8th, 18th, and 28th) they might take the air at Fati (the flower gardens across the river) in small parties, under the escort of an interpreter, who was held, literally and personally, responsible for all their misdeeds.

This rule was generally relaxed, but frequent efforts were made to tighten the reins. There was, however, no relaxation as to walking through the streets, even in the vicinity of the factories.

7°. Foreigners must not present petitions; if they have anything to represent, it must be done through the Hong merchants.

This required them to complain of any irregularity through the agent committing the irregularity. This rule was the basis of the Co-hong's control, and from it there was no relaxation. In 1831 a concession was made that, if the Hong merchants intercepted letters and would not transmit representations, then two or three foreigners might go humbly to the city gate (but not enter the city) and leave their petition with the guard at the gate; this concession, though ostensibly given, commonly remained a dead letter.

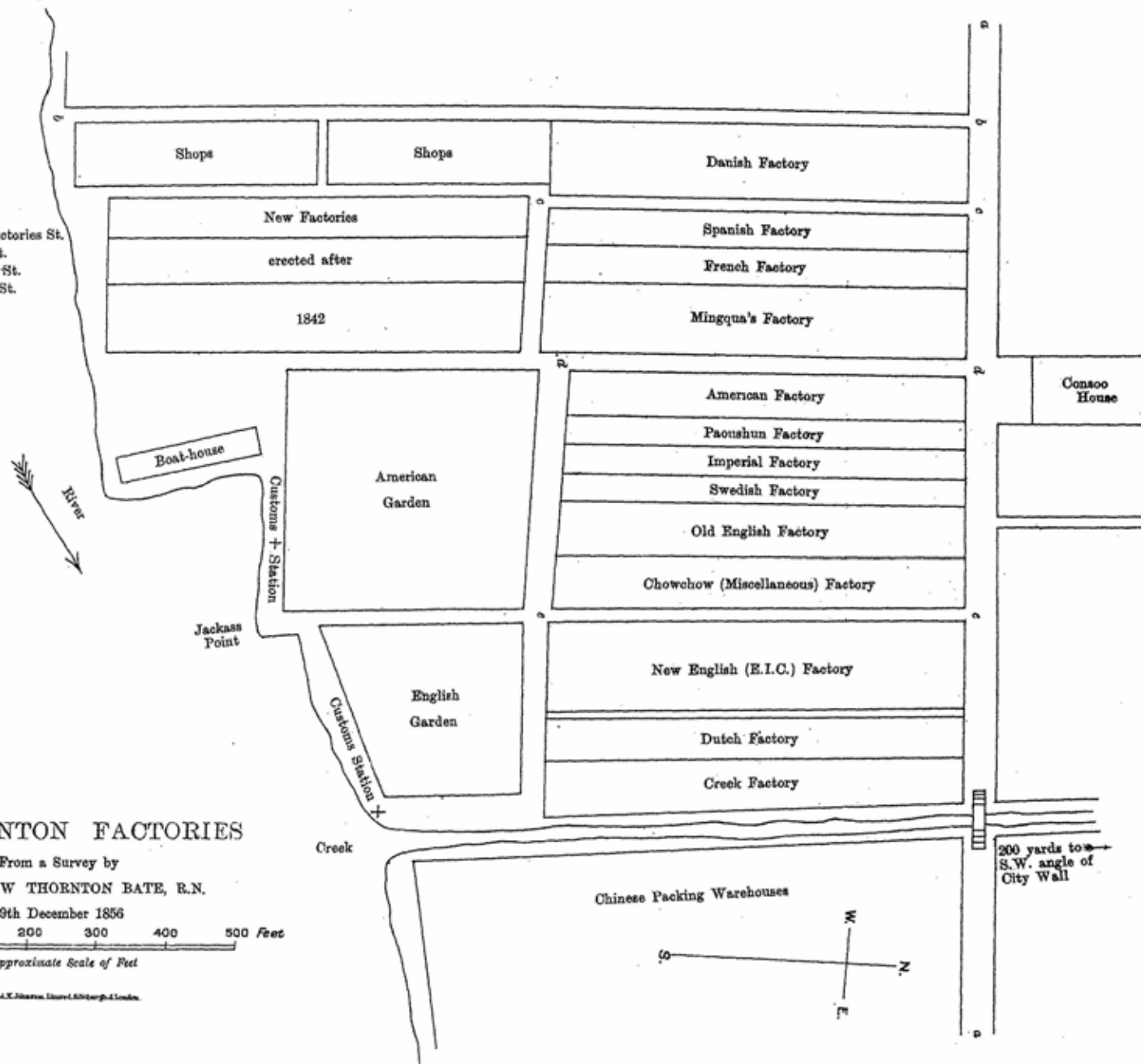
8°. "In the Hong merchants' factories where foreigners live, let them be under the restraint and control of the Hong merchants. The purchase of goods by them must pass through the hands of a Hong merchant; this was originally designed to guard against traitorous natives misleading them and teaching them. Hereafter the foreign merchants dwelling in the Hong merchants' factories must not be allowed to presume of their own accord to go out and in, lest they should trade and carry on clandestine transactions with traitorous natives."

Much the same rule was in force in the mediaeval guilds of Europe, in England up to the fourteenth century, and much later in Italy, France, Flanders and elsewhere.<sup>25</sup>

<sup>24</sup> Cf. chap. iii, § 17; chap. vi, §§ 18, 19; chap. ix, § 10.

<sup>25</sup> Cf. the author's "Guilds of China," p. 62.

- aa. Thirteen Factories St.  
 bb. Pwanting St.  
 cc. New China St.  
 dd. Old China St.  
 ee. Hog Lane.



## THE CANTON FACTORIES

From a Survey by

COMMANDER W THORNTON BATE, R.N.

29th December 1856

0 100 200 300 400 500 Feet

Approximate Scale of Feet

W & A. T. Bate, Surveyors, London.





9°. Foreigners must not remain at Canton out of season, but, their goods sold and ships laden, must return home or go to Macao.

The corresponding limit of time in the European gilds was forty days. At Canton, for a consideration paid to the proper persons, permission could be obtained, under various pretexts, for two or three to remain behind in each factory after the general exodus. Though the annual departure was compulsory, it, as well as the arrival, had to be paid for; the usual fee for a permit to depart was Tls. 300.

These are the principal regulations affecting the conduct of the foreign traders, and the control exercised over them.

§ 11. The foreign traders, while at Canton, during the winter season, lived in the factories (the residence and office of the factor, or business agent), which were the property of the Hong merchants, and rented, in whole or in part, to the foreigners. Of the factories, thirteen in number (by a mere coincidence corresponding to the theoretic number of Hong merchants), nine were called by the names of foreign nationalities; but, except the two East India Companies, the English and Dutch, and the later arriving Americans, the names given did not, in later days, correspond in any way with the nationality of the renting occupants. Each factory consisted of transverse rows of buildings, access being obtained by a longitudinal passage through the ground floor. In general the ground floors were given up to the treasury, offices for the Chinese staff, servants' quarters, kitchens, warehouses, etc.; the next floor contained counting-house, drawing-room and dining-room; and on the upper floor were bedrooms.<sup>26</sup> The space covered by all the factories was limited, being, including gardens and promenades, about 1100 feet in length, with a general depth of about 700 feet; but the accommodation in each factory was spacious, the general depth of a factory being upwards of 400 feet, while the average frontage was close on 85 feet. A merchant's treasury would frequently contain over a million dollars in actual silver coin:<sup>27</sup> and at a dinner on New Year's day, 1832, a hundred guests sat at table in the spacious dining-room of the English factory.<sup>28</sup> These factories provided palatial accommodation for the foreign visitors, guests

<sup>26</sup> Hunter, *op. cit.*, p. 24.

<sup>27</sup> *Ibid.*, p. 54.

<sup>28</sup> Canton Register, 1832, quoted in Chin. Rep., Jan. 1842.

of the empire, but they constituted in effect a 'gilded cage. The only ground for exercise available for the greater number was a square in front of the six factories in the middle, measuring about 500 feet by 300 feet. Here alone were they secure from annoyance; they were forbidden to go into the malodorous streets, in which the business of the Chinese was conducted; and they could visit the flower gardens, a mile away across the river, only in small parties three days in the month, and under the personal guidance of an interpreter, who was held responsible, certainly with his purse, probably with his body, possibly even with his head, for any riotous or unbecoming conduct in those of his party.

Under a later date (season 1836-1837) we have a census of the adult male foreign residents at Canton,<sup>29</sup> with which may be compared some figures for the year 1832, which are not perfectly trustworthy.<sup>30</sup>

NATIONALITY.	1832.		1836.	
	FIRMS.	MEN.	FIRMS.	MEN.
British . . . . .	10	88	31	158
Indian . . . . .	?	31	—	4
Parsee . . . . .			11	62
American . . . . .	7	20	9	44
Portuguese <sup>31</sup> . . . . .	—	11	1	28
German . . . . .	—	—	1	4
Dutch . . . . .	1	3	1	3
Swedish (watchmaker) . . . . .	1	3	1	2
Danish . . . . .	—	4	—	1
French . . . . .	1	1	—	1
Spanish and Italian . . . . .	—	4	—	—
	20+?	165	44+11	307

Of the 213 non-Asiatic foreigners included above for 1836, and not including the Indians, Parsees, and Portuguese, 23 are noted with the addition "and family," the families remaining perforce at Macao. The firms were distributed in

<sup>29</sup> Chin. Rep., Jan. 1837.

<sup>30</sup> Roberts, "Eastern Embassy," p. 130. The "Anglo-Chinese Calendar" for 1832 gives a total of 137; cited in Chin. Rep., Jan. 1842.

<sup>31</sup> The Portuguese (of Macao) generally filled inferior clerical posts in firms of other nationality.

1836 among the thirteen factories as follows, the factories being taken in their order from east (down-river) to west (up-river).

FACTORY.	BRITISH.	PARSEE.	AMERICAN.	SUNDY.
(Here is the creek.)				
Creek, or I-ho, factory . . .	5	—	—	—
Dutch, or Kai-yi, factory . .	2	1	—	3
English (E.I.C.), or Paou-ho, factory . . .	1	—	—	(1 Portuguese, 1 Dutch, 1 Swedish.)
(Here is Hog Lane, appropriately named.)				
Chow-chow, or Fung-tai, factory . . .	—	3	—	—
Old English, or Lung-shun, factory . . .	2	—	1	—
Swedish, or Sui-hang, factory . . .	—	—	3	—
Imperial, or Ma-ying factory . . .	2	—	1	—
Paou-shun factory . . .	1	2	—	—
American, or Kwang-yuen, factory . . .	—	—	2	—
(Here is Old China Street, a "broad" street, 12 feet wide.)				
Ming-qua factory . . .	6	—	—	1 (German.)
French factory . . .	2	4	1	—
Spanish factory . . .	1	—	—	—
(Here is New China Street.)				
Danish factory . . .	9	1	—	—
At Macao <sup>22</sup> . . .	—	—	1	—
	31	11	9	4

In the factories the foreign firms were the tenants at will of their respective security merchant, and it was he who engaged for them their compradors,<sup>33</sup> shroffs,<sup>34</sup> boys,<sup>35</sup> coolies,<sup>36</sup>

<sup>22</sup> Either a sail maker and rigger, or the American Mission Press.

<sup>23</sup> Comprador, from the Portuguese comprar, to buy; the combination of broker, accountant, and cashier, then and now employed by every foreign firm in China.

<sup>34</sup> Shroff, the silver expert, employed as teller under the comprador, and held accountable for the quality of all silver, ingots or dollars, passing through his hands.

<sup>35</sup> Boy, a superior servant, such as butler, valet, or office-boy; has no reference to age; may be a corruption of the Hindustanee Bhaiee, or possibly transferred from the French garçon.

<sup>36</sup> Coolie, a generic term for the lower class of unskilled labourer.

cooks, water-carriers, and boatmen; he "secured" them, i.e. guaranteed their master against loss at their hands, was also responsible for them to the government, and of course took a commission on the profits of their employment; he was, in effect, master, broker, landlord, purveyor, and steward to the firms for which he was security.

§ 12. To the factories the foreign traders came under a permit, for which they paid, obtained from the Tsotang at Macao; and they timed their coming so that they might be settled in advance of the arrival of their ships. This was before the end of the south-west monsoon (i.e. before the end of October), which would bring ship and lading safely and speedily the length of the China Sea, from the Straits of Sunda or the Straits of Malacca to Canton. On their arrival at Canton, their first business was to select and arrange, or to renew their arrangement, with their security merchant, who must be one of "The Thirteen Firms,"<sup>37</sup> and who was held personally responsible for every act of the foreign traders, or their ships, or their crews, from the purchase of a basket of fruit to a homicide. Their ships laden and away while the north-east monsoon still had strength to waft them down the China Sea, the traders most then pay for a permit authorising them to proceed to Macao, there to await the return of the next season.

§ 13. A ship arriving, proceeded first to Macao, where the master's first duty was to take a pilot from the office of the Tsotang; the pilotage fee, including bar boat charges, etc., amounted to about \$150, while the pilots had to pay a licence fee of \$600 to the Tsotang.<sup>38</sup> Here, too, he engaged an interpreter, to whom the regular, open payment was from \$175 to \$250, apart from what he might make otherwise; and here, too, or later at Whampoa, he engaged a ship's comprador,<sup>39</sup> to whom he must make a direct payment ranging from \$50 to \$216, besides giving him the sole right to purvey provisions and all other articles for the ship or her crew, at prices on which it was quite impossible to put any check.<sup>40</sup> The ship

<sup>37</sup> The Co-hong members were commonly described as Yang-shang, "foreign merchants," i.e. merchants engaged in, or licensed for, the foreign trade. Cf. Turkey merchants, Colonial merchants, etc.

<sup>38</sup> Gutzlaff, "China Opened," ii, pp. 87, 98.

<sup>39</sup> Ship chandler.

<sup>40</sup> Gutzlaff, op. cit., ii, p. 91; Hunter, op. cit., p. 52.

was then permitted to proceed to the Bogue, where she was measured and required to pay fees, which will be dealt with later; and thence to Whampoa. She was usually in this anchorage for three months, and, while there, continued to give a steady stream of profit to the interpreter and comprador, to the bumboatmen and other small fry, and to the minor officials from daily and monthly fees, and gratuities to facilitate her working and expedite her departure.

§ 14. When the ship reached Whampoa, her consignee at Canton took her manifest, giving full particulars of her lading, and handed it to his security merchant. The foreign trader had no further concern with the import cargo: he paid no duties, and was subjected to no direct exactions from the officials, beyond his obligation to contribute, at the rate of 3 per cent. on the value, to the Consol fund; his sole concern was now to sell his goods. In this he was under no compulsion: he was free to send his goods back in the ship which brought them, but, if he sold, he could sell only to his security merchant. The latter provided office, storage, and lodging accommodation; he found servants for the foreigner and secured them, conveyed the imports from ship to warehouse in privileged monopoly lighters, and he it was who was alone privileged to buy the imports. He gave such a price as he was able, or willing, to give, based on his ability to sell them with a margin of profit sufficient to cover his interest and expenses, all duties and charges claimed by the government, and the heavy exactions demanded by the officials. The East India Company stated that their net loss on English products shipped from England to Canton had been £1,688,103 in twenty-three years,<sup>41</sup> due, as the company declared, to "forcing the trade beyond the demand," but as readily explainable by the absolute power given to the security merchant to fix the price, with no check from free competition. Even if the monopolists had wished to foster trade by giving better prices, they were not free agents in the matter, since they were under compulsion to provide a large margin between their buying and selling rates.

§ 15. The imports having been thus disposed of, the foreign traders' next concern was with the proceeds, and with the specie

<sup>41</sup> Evidence before Lords' Committee, 1820, cited in Crawford, "The Chinese Monopoly Examined," p. 24.

which every ship, not being English, then had to bring, to buy a lading outwards for their ships. Shipments of silk were, by law, limited to 140 piculs (175 bales) for any one ship, and there was then no great demand for other products of China, except tea, of which the outward cargoes mainly consisted. Exports, too, including tea, could be bought only from, or through, the security merchant. Custom, however, gave the foreign traders an option in respect of tea: they could, at the close of a season, settle both quantity and price for the following season, or they could settle the quantity only, leaving the price to be determined by the rates ruling at the opening of the next season; but whether they settled the price now or next year, it was with their security merchant that they had to settle it. In exports, also the Co-hong was under compulsion to provide a large margin between the buying and selling rates. Moreover, the whole trade of any one ship was in the hands of one middleman, practically reducing it to a trade by barter, apart from the specie introduced; and if, by a refusal to buy, a stand were made for lower prices for tea, it was always open to the security merchant to adjust the equilibrium by giving lower prices for imports. As Burke declared,<sup>42</sup> comparing the monopoly of the Co-hong to the monopoly of the East India Company—"As the Chinese monopoly is at home, and supported by the country magistrates, it is plain it is the Chinese company, not the English, which must prescribe the terms." The Chinese monopolists were at home, and they were supported by their officials, and it was they who prescribed the terms; and those terms the foreign traders had to accept. What the terms were in matters of personal control and supervision, we have seen; and we must now see what they were in fiscal matters.

§ 16. Of the exactions on the ship herself, there were many which could be covered from sight, such as the monopoly of purveyance granted to the ship's comprador, which has been referred to; but of the payments to government agents, while there were many gratuities to numerous minor officers for which no account was rendered,<sup>43</sup> still the charges connected with

<sup>42</sup> Ninth Report of Select Committee of House of Commons, June 25th, 1783, cited in Crawford, *op. cit.*, p. 36.

<sup>43</sup> For ships in the anchorage of Whampoa the daily charges, under eleven different categories, amounted in all to Tls. 11,230, making, for the customary

measurement and permission to enter the river were open, both those that were legal and those that were not.

Ships were divided into three classes,<sup>44</sup> of which the first paid Tls. 7·777, the second Tls. 7·142, and the third Tls. 5·000 per unit of measurement; the number of units was found by multiplying the length from foremast to mizzenmast by the breadth amidships, and dividing the product by ten. On this basis a ship which entered Canton in 1810, measuring 79·9 cubits (97 feet 4 inches, English standard) in length, and 25·5 cubits (31 feet 1 inch) in beam would pay measurement fees and gratuities on the following scale:

	Tls.
Official tariff $\frac{79.9 \times 25.5}{10} \times 7.777$ . . . . .	1387·283
Deduct official allowance, 20 per cent. . . . .	277·456
Net . . . . .	1109·827
Conversion into sycee (standard silver), 7 per cent. . . . .	77·688
	1187·515
Ten per cent. gratuity to Hoppo . . . . .	118·752
Two per cent. of net fee to collectors . . . . .	22·196
	1328·463
Presents (uniform for all ships):	Tls.
Fee on arrival . . . . .	1089·640
„ departure . . . . .	516·561
Grain commissioner for public charities . . . . .	132·000
Two tidewaiters remaining on board . . . . .	150·000
Various gratuities, nine categories ranging from Tls. 1·200 to Tls. 16·780, total . . . . .	52·440
Difference in weights . . . . .	9·359
	1950·000 <sup>45</sup>
Total sum payable . . . . .	Tls. 3278·463

Two other historians, who, as well as the one last cited, were in Canton during the factory days, give detailed accounts which differ, in some respects, from this; one for a first-class

stay of about three months, a total of about Tls. 1000. Besides this, the interpreter had to disburse in gratuities, on behalf of the ship, Tls. 25 on arrival and Tls. 30 on departure.—Milburn, "Oriental Commerce," ii, p. 493.

<sup>44</sup> Milburn, *op. cit.*, ii, p. 492. Gutzlaff ("China Opened," ii, p. 90) states that they were divided into four classes, of which the first class paid Tls. 1400, the second Tls. 1100, the third Tls. 600, and the fourth Tls. 400. The basis of the charge was undoubtedly the rate per unit of measurement, and would not always come to a round sum; and I have preferred to accept Milburn's statement, which is borne out by Hunter's figures.

<sup>45</sup> The Tls. 1950 which formed the subject of so many protests; cf. §§ 4, 6.



ship (A),<sup>46</sup> the other for a second-class ship (B) of 420 tons burden.<sup>47</sup>

	A	B (147·4 units).
	Tls.	Tls.
Measurement fee, net . . . . .	1400·000	842·285
Gratuity, entering port . . . . .	1013·364	810·691
" leaving " . . . . .	480·420	480·420
Weighing fee and remittance to Peking	87·150	150·145
Grain commissioner for public charities	116·424	116·424
Conversion allowance on last . . . . .	1·280	1·280
Conversion into sycee . . . . .	216·905	90·967
Difference in scales, Canton and Peking	—	174·455
	3,315·513	2,666·667

On another ship of 900 tons in 1840 the total measurement fees amounted to "upwards of \$8000" (Tls. 6000). The vessel (B) referred to above paid Tls. 2666·667, then equivalent to £889; her tonnage, 420 tons, is equivalent to about 375 tons register,<sup>48</sup> and on that basis she would pay Tls. 187·50 under the treaty of 1842, and under the treaty of 1858 Tls. 150·00, at to-day's exchange equivalent to about £20.

Vessels not coming to Whampoa, but entering solely into the trade of Macao, paid measurement fees and gratuities amounting to about half the sums levied at Whampoa; but against this saving must be set a hong charge of Tls. 2520, which they were required to pay to the Co-hong for liberty to trade outside its field.<sup>49</sup>

We may summarise the sums paid directly by a ship of the first class as follows:

	Tls.
Measurement and gratuities connected therewith . . . . .	3250
Daily fees and others at Whampoa (three months) . . . . .	1050
Cigars, wine, etc., given daily and all day (three months) . . . . .	200
	<u>Tls. 4500</u>

equivalent to £1500, for which nothing was given in return, such as lights or docking facilities, and in addition to the

<sup>46</sup> Gutzlaff, *op. cit.*, ii, p. 90.

<sup>47</sup> Hunter, *op. cit.*, p. 100.

<sup>48</sup> Taking 0·90 as her co-efficient of fineness.

<sup>49</sup> Gutzlaff, *op. cit.*, ii, p. 107.

unchecked robbery permitted under a monopoly of purveying for the ship.

§ 17. The exactions on the trader in connexion with his goods, import and export, cannot be gauged or even estimated; they were buried out of sight, covered up in the price paid or demanded; and that was determined by the Chinese monopolist, with no check from free competition, and with no privilege to the foreign trader even to walk through the streets and see what foreign articles were in demand and what Chinese products were offered, or to enquire into the rise and fall of prices. One authority<sup>50</sup> voices the cry of the factories on "the undefined state of the duties, the real being in some instances tenfold the nominal," but it is only in rare cases that the exaction can be brought to the test of figures. American ships and those from the continent of Europe had few wares to offer which the Chinese wanted, and provided for their trade mainly by the importation of specie in the shape of Spanish dollars; of the English ships, those of the East India Company were restricted in the amount of commodities which could be absorbed, but the "country ships" could satisfy the eternal commercial cry for goods, not specie, with the two products, opium and raw cotton.

§ 18. With opium the foreign trader was free from direct exaction; it was sold *ex ship*, and the Chinese buyer satisfied all the demands of Hoppo, viceroy, governor, admiral, and numerous other officials; the special history of opium during the factory days will be dealt with in a later chapter. Excluding opium, raw cotton<sup>51</sup> provided about a half of the value of all general imports, while tea constituted about 60 per cent. in value of all exports. For cotton we have an authoritative statement,<sup>52</sup> showing in detail the degree of exaction which could be specified, other than that covered by the price. The rates of duty given are per picul of 133½ lb.

<sup>50</sup> Lindsay, Letter to Lord Palmerston, p. 10.

<sup>51</sup> China, in the Yangtze basin, is a large cotton-growing country; and that foreign cotton should have been imported through the first half of the nineteenth century furnishes testimony to the insecurity of the sea route from the Yangtze to Canton, the demand for a return freight for foreign shipping, and the insistence of the commercial cry of "goods for goods."

<sup>52</sup> Matheson, "British Trade," p. 115. The author, writing in 1836, had been in Canton, engaged in the "country" trade, for seventeen years.

	Tls.	Tls.
<i>Raw Cotton</i> : Duty by tariff . . . . .	0.150	
Authorised surtax, $11\frac{3}{4}$ per cent. . . . .	.017	
,, weighing fee . . . . .	.038	
	<hr/>	
Authorised levy		0.205
Duty by tariff . . . . .	0.150	
Co-hong surtax, 30 per cent. . . . .	.045	
Actual weighing fee . . . . .	.150	
Consolidated fund, 3 per cent. on valuation of Tls. 8	.240	
Sze-li or trade charges . . . . .	.915	
	<hr/>	
Actual levy . . . . .		1.500

No explanation is given of the trade charges, but the author cited was in a position to know their amount. Another authority,<sup>53</sup> no less competent, gives the Imperial duty on cotton at Tls. 0.298, and the actual levy at Tls. 1.740.

§ 19. The only authority entering into any details of the exactions levied on tea was unable to quote any figures for the period (1813) in which he wrote, stating that, as the Chinese paid all the duties, it was impossible to ascertain the real amounts, "as they are frequently altered by the mandarins."<sup>54</sup> He gives, however, the actual amounts levied on tea in 1756, as follows:

	Tls.	Tls.
<i>Tea</i> : Tariff duty . . . . .	0.200	0.200
Accountants and secretaries, and remittance to Peking, 14 per cent. . . . .	.028	
	<hr/>	
	0.228	
Conversion into sycee, 8 per cent. . . . .	.018	
Additional 5.4 per cent. on fixed valuation of Tls. 8 . . . . .	.432	
Weighing fee . . . . .	.100	
Interpreter's charges for gratuities to minor officials . . . . .	.030	
	<hr/>	
Actual levy . . . . .		0.808

It is added that "outside merchants," who must transact their business through a Co-hong merchant, were charged Tls. 0.880 per picul. At the end of the monopoly days we are told by a competent authority<sup>55</sup> that on tea the Imperial duty was

<sup>53</sup> Morrison, "Commercial Guide," p. 135.

<sup>54</sup> Milburn, "Oriental Commerce," ii, p. 494. Milburn was connected with the East India Company, and had unrestricted access to its records.

<sup>55</sup> Morrison, *op. cit.*, p. 169. This figure, Tls. 6 a picul, was also adopted by the British committee of merchants in writing to Sir H. Pottinger.

Tls. 1.279 and the actual levy Tls. 6.000 per picul. On this main staple of the China trade, in the course of eighty years, the tariff duty was raised from Tls. 0.200 to Tls. 1.279; and, at the close of the period, the actual levy was nearly five times the rate authorised by the published tariff. Even this rate of Tls. 6 a picul was, however, only about 20 to 25 per cent. on the ordinary cost price of the tea at Canton, and probably not over 30 per cent. of the cost ex warehouse, not including the government charges levied; and yet this "unauthorised and arbitrary duty, greatly exceeding the established tariff," was made the subject of formal complaint, not only by the foreign traders, mainly English, in Canton,<sup>56</sup> but by the mercantile world of the United Kingdom,<sup>57</sup> in which the government collected an import duty on tea of 96 per cent. of the sales price, which would be about 200 per cent. of the invoice cost at Canton.<sup>58</sup>

§ 20. The traders in the factories were, in fact, not more than half conscious of what their real grievance was. They knew, of course, that they did not have a free market, and that, without it, they were helpless under conditions in which they could be robbed wholesale; but this robbery was disguised by the clever manipulation of a race of traders than whom there has not been in the world a shrewder and a keener. But by the "unauthorised and arbitrary" increment in the visible taxation they were nettled and stung with pismires, and they were never free from the irritation caused by countless and never-ceasing exactions, from which they could get no redress.

§ 21. All these exactions to the contrary notwithstanding, the foreign traders prospered. China was a thirsty soil (for trade, but not yet for goods, be it noted), and the foreigners brought the refreshment for which it yearned. In 1751 there were at Whampoa 9 English, 4 Dutch, 2 French, 1 Danish, and 2 Swedish, a total of 18 ships.<sup>59</sup> Forty years later, in 1789,

<sup>56</sup> Memorial of British subjects at Canton, Dec. 9th, 1834.

<sup>57</sup> Memorials of the East India Association at Glasgow, June 2nd, 1835; of the Chamber of Commerce of Manchester, February 1836; and of the Liverpool East India Association, February 1836.

<sup>58</sup> In seventeen years, seasons 1793-1794 to 1809-1810, the "prime cost" of all teas shipped to England was £27,157,066, and the "sales price" realised was £55,160,230, showing additional charges and profit amounting to 103 per cent. The duty at 96 per cent. on all teas was in force from 1806.—Milburn, *op. cit.*, ii, pp. 477, 541.

<sup>59</sup> Osbeck, "Voyage to China," i, p. 184.

there were 61 English (21 Company and 40 country ships), 15 American, 5 Dutch, 1 French, 1 Danish, and 3 Portuguese, a total of 86 ships.<sup>60</sup> During the wars between England and France the only two flags much in evidence in Chinese waters were the English and the American<sup>61</sup>—the English because England was mistress of the seas, and the American because neutral America was friend of all and, with a short interlude, 1812–1814, enemy of none, and could trade where others could not. After the restoration of general peace, it is sufficient to note of the European continental nations that, in the ten years 1825–1834, the Dutch trade<sup>62</sup> averaged annually 7 vessels of 1,520 lasts (2660 modern tons register), carrying imports of the average value of \$498,950, and exports averaging \$468,330; and that the other countries were a negligible quantity. The course of trade of the two trading countries, England and America, can best be studied from figures, better than from any descriptive account; and the tables of the trade in sixteen years, inserted at the close of this chapter, have been compiled from the best available authorities.<sup>63</sup>

§ 22. These tables show that the English trade was fed to an increasing extent by opium, the proportion rising from about one-sixth in the earlier, to over a half in the later, of the sixteen years; that raw cotton from India came next in importance, being about a fourth of all imports; that English products, chiefly woollens, gave about an eighth of the total; and that Indian products other than opium and cotton, and the produce of the spice islands of the Southern Seas, together, sank in the latter years to about a tenth of the total. In the export trade, tea constituted close on three-fifths of all exports, and silk about one-fifth; and cotton cloth (nankeens) was then an article of export from China to the West, the cotton gin, machine-spinning, and power loom not having yet had time to

<sup>60</sup> Meares, "Voyages in 1788 and 1789," p. lxxxvii.

<sup>61</sup> "The trade carried on with the other European powers, who, previous to the war, which commenced in 1793, had factories at Canton, but which are at present abandoned, viz. France, Holland, Denmark, Ostend, Portugal, Sweden, Spain, Leghorn."—Milburn (*op. cit.*, ii, p. 473), writing in 1813.

<sup>62</sup> Statement of Netherlands Consul in The Friend of China, March 8th, 1848.

<sup>63</sup> Milburn, "Oriental Commerce"; Phipps, "China Trade"; Gutzlaff, "Chinese History"; Matheson, "British Trade"; Crawford, "Chinese Monopoly"; "British Relations with China"; Chinese Repository; etc.

turn the movement in the opposite direction. In the English trade (that with England and that with India—the country trade—combined) the export of goods did not suffice to pay for the imports, and, during the period of sixteen years, a fifth of the movement outward consisted of treasure; the proportion was greater in the second half than in the first half of the period, concurrently with the marked increase, from 1826, in the value of opium imported. In addition to the export of goods and treasure, the import trade had to provide for the cash disbursements for ships, estimated at \$450,000 a year, and for the upkeep of the factories; the cost of the East India Company's factory averaged £80,513 (about \$360,000) a year,<sup>64</sup> and that of the country merchants, English and Indian, cannot be put at a lower figure. Speaking generally, the English trade was conducted on the basis of a triangular operation: English products were shipped to India, with a small modicum direct to China; opium, cotton, and other Indian products were then shipped to China; and China paid for these imports partly with tea and other produce shipped to England, the balance being returned in hard cash to India. In addition to the trade included in the tables, there was the private trade permitted to the captains, supercargoes, and other officers of ships trading to Canton; the average value of this trade outwards from Canton by ships of the East India Company alone was \$1,350,000 a year,<sup>65</sup> and this was entirely covered by the private trade inwards.

§ 23. The American trade amounted to something over \$6,000,000 a year, both in and out, to which must be added disbursements for ships, estimated at \$260,000 a year, and the upkeep of the merchants' establishment, which would come to nearly the same amount. This trade was mainly on a specie basis. As years went on an increasing proportion came from a fertilising stream of goods, which gave a profit on the turnover, and less from specie; but the goods were principally opium and other produce of Asiatic countries, and consisted but little of the products of the country from which the ships came, and to which they carried the tea, silk, and nankeens of China. Three-fifths of the tea and other Chinese products entering into

<sup>64</sup> Milburn, *op. cit.*, ii, p. 474.

<sup>65</sup> *Ibid.*, ii, p. 480.

the trade were covered by hard cash ; the American traders lost the profit from the double turnover of goods for goods, but, as compensation, they occupied the strong position of buying for cash, and to that extent were freed from the absolute dependence on the Chinese monopolist merchants, to which the English were subjected. The American trade also was conducted on a triangular basis. American produce was shipped to Europe and there sold ; the proceeds in Spanish dollars were then sent back to America for transmission to China, or else the ship engaged for a time in the carrying trade between European ports, so profitable to neutrals during the Napoleonic wars, until she had accumulated a sufficient further sum in Spanish dollars, with which she then sailed for Canton ; and, on the third leg of the triangle, tea, woven silk, and nankeens were shipped from Canton to America. This circuitous course was rendered necessary by the absence of any banking facilities, other than those provided by a merchant's own operations, the want of such facilities compelling each flag to finance its own trade, and each firm its own dealings. This was economically wasteful, but the efforts of the Americans to substitute goods, even non-American goods, for specie met with no success until after 1827 ; from 1829 American ships carried some fairly considerable quantities of opium, consigned on commission to American merchants ; and from 1831 the specie basis was practically abandoned. It is on record that in 1832 (the season ending March 31st, 1832) the American traders at Canton received London bills of exchange to the amount of \$2,480,871, and in 1833 to the amount of \$4,772,516 ; these bills, sent to provide exports in American ships, had of course to be covered by the proceeds from the sale of imports in English ships ; and to that extent London levied toll on the American trade at Canton.

§ 24. The trade as a whole did not expand. The import of goods, in total, increased by less than the increase in the value of the opium imported, while the exports in the earlier years of the period were valued at about the same amount as in the later years. It is further to be observed that the specie required to cover the surplus in the value of imports in the British trade was directly provided from the specie introduced to supplement the deficiency in imports in the American trade.

§ 25. Notwithstanding this fact, the foreign traders in the factories were not entirely dissatisfied with their position vis-à-vis the Chinese. The Co-hong system, monopolistic though it was, was one which, on the whole, worked with little friction. The foreign traders enjoyed the practical monopoly assured to them by their distance from the home market and the difficulty of communication, while the East India Company, still holding a monopoly of the trade with England, paid the dividends on their stocks in these years solely from the profits of their China trade. The foreigners paid nothing directly in the way of duties or charges, except the levies on shipping and their contributions to the Consol fund, and had nothing of the extortion thrust under their eyes; and the discomforts of their life, shut up in rented quarters in the factories, were as nothing to the prospect of accumulating a competency. The Chinese, too, were equally contented; the Co-hong merchants were bled, one way or another, to the tune of millions, but could recoup themselves many times over; and the officials were quite satisfied with existing conditions. The best commentary on the condition of affairs is found in the personal relations existing between those friendly rivals, the Chinese and foreign merchants. They both had a reputation for commercial honour and integrity such as has not been surpassed in any part of the world or at any time in its history; trading operations were entirely on parole, with never a written contract: and there was much help and sympathy from one to the other. Yet all this ease in their mutual relations was paid for by the foreign trade. That the system allowed the foreigner, not only to make a living, but to accumulate a modest fortune, that a member of the Co-hong should, when the occasion arose, cancel the debt of a foreign trader who had fallen into difficulties,<sup>66</sup> says much for the generosity and foresight of the Chinese merchants, but it emphasises the fact that there must have been a wide margin of profit to allow of such liberality; while the constant state of debt of the Chinese (not only for money borrowed, but for trading transactions as well, the amount due to foreigners at the end of a year's operations being ordinarily in excess of \$3,000,000),<sup>67</sup> bears testimony to an equal degree of kindly

<sup>66</sup> Hunter, "Fan-kwae," pp. 42-44, 56, 107; Nye, "Peking the Goal," p. 40.

<sup>67</sup> Milburn, op. cit. ii, p. 473.



spirit in the foreigners, and to the difficulties under which the Co-hong merchants constantly laboured.

§ 26. The Co-hong was the "milker" of the foreign trade, milking it all it could stand, but for this privilege they paid heavily. As much as Tls. 200,000 must be paid for admission to the gild,<sup>68</sup> and difficulty was experienced in finding merchants willing to assume the liabilities of gild membership when, as happened in 1829, the foreign merchants demanded that the members should be brought up to the original number;<sup>69</sup> contributions of Tls. 50,000 or Tls. 100,000 must be made at frequent intervals for public purposes, such as for a famine or a Yellow River flood, or for purchase of official rank for a son, the proceeds being mainly for the benefit of the official through whose hands the money passed; when the Chinese debts to foreign traders were paid off by Imperial order in 1831, one member contributed \$1,100,000 and others in proportion; and to the ransom for the city of Canton in 1841 the same member contributed a \$1,000,000.<sup>70</sup> These contributions were typical of the supplementary exactions imposed on the Co-hong, altogether outside their primary duty of serving as the conduit for distributing among the officials the revenue regularly or irregularly derived from the foreign trade. Notwithstanding this constant heavy drain, one member of the Co-hong, Howqua, himself stated in 1834 that he valued his estate at \$26,000,000,<sup>71</sup> a great fortune for those days, probably the largest mercantile fortune in the world; and this was the surplus after he had, during a life of trade, met the exhausting demands of numerous "blind mouths"—officials who made the law and interpreted the law so made.

§ 27. The Chinese were quite content; but in the foreign factories, while there was satisfaction with the trading results, there was, at the same time, much complaint of certain specific matters which pressed hardly upon the foreign traders and made them feel the degradation of their position. These complaints may be briefly summarised as follows:

1°. The heavy taxation imposed on the trade. In point of fact the taxes were not extraordinarily heavy, and they were cleverly covered so as not to be manifest; but mankind always closely scrutinises the impositions of government agents; the imposition which is of unknown amount is always

<sup>68</sup> Hunter, *op. cit.*, p. 36.

<sup>69</sup> Aufer, *op. cit.*, pp. 319, 321.

<sup>70</sup> Hunter, *op. cit.*, pp. 37, 45, 47.

<sup>71</sup> *Ibid.*, p. 48.

especially burdensome, and the constant exactions which were evident were so many pinpricks to excite resentment.

2°. The monopoly system of the Co-hong. Merchants always demand, where any rights are granted to them, the freedom to trade with whomsoever they will, and this freedom was denied to the traders in the factories. They had, moreover, a special grievance in the misapplication of the Consou fund, provided directly by them, and supposed to be available to meet any liability for debts due by the Chinese; in fact, however, this fund was regularly diverted to government use and for presents to officials to the amount of at least Tls. 300,000 a year.<sup>72</sup>

3°. The uncertainty of recovery of debts due from Chinese merchants, who themselves were subject to such heavy exactions as often to impair their solvency.

4°. The strictness of the rules by which the life in the factories was regulated, and the prohibition to remain in Canton all the year.

5°. Most important of all, the prohibition to make representation to any official except through the members of the Co-hong, with whom alone the foreign traders could have any business relations.

§ 28. These, with the restriction of trade to the one port of Canton, were the principal heads of complaint against the Chinese; but for the present, they were not taken up by any government, and no demand for relief was yet formulated and laid before the Chinese authorities. One grievance there was, however, which was strongly felt by a portion of the traders in the factories, the English country merchants. Their own position, trading under the licence of the East India Company, and excluded entirely from trade with their own home country, they contrasted with the position of greater freedom enjoyed by the Americans. These had entered late into the field; but, favoured by their position of neutrality during the long Napoleonic wars, by the innate capacity and shrewdness of their merchants, and by the hardihood and enterprise of their sailors,<sup>73</sup> they rapidly assumed a position in the Canton factories second only to that of the English. The Americans were the "free-traders" of the day, in the sense in which the word was then understood; in their country there were no privileged corporations to exercise any monopoly, trade was open to all on equal terms, and the merchants and sailors of Boston, Salem, and New York asked only a fair field and no favour. This, too, was all that

<sup>72</sup> Gutzlaff, "China Opened," ii, p. 82, citing Morrison's "Companion."

<sup>73</sup> "In 1788 the *Alliance* came from Philadelphia to Canton. She was not furnished by any charts on board, but made her voyage to China solely with the assistance of a general chart of the world. She passed to the southward and eastward of New Holland, and never let go an anchor from the time she left Philadelphia till the time of her arrival in China."—Gutzlaff, "Chinese History," ii, p. 447.

English merchants asked, and it was demanded by the country merchants at Canton and the manufacturers in the United Kingdom; and the contrast between their position and that of the Americans was the principal argument brought forward.<sup>74</sup> The agitation resulted in the abolition of the monopoly of trading with China formerly enjoyed by the East India Company, which came to an end on April 22nd, 1834.<sup>75</sup>

§ 29. This result had been foreshadowed some years before, and the minds of the Chinese authorities were filled with some apprehension. To some extent they dreaded what might come from the adoption of a new policy by the English, but their principal concern was the question how this sect of unruly outlanders might be kept in order without a taipan. Their task up till then had been comparatively easy, as the entire British trade, both the English and the Indian, had been under the control of an incorporated company working at Canton under one head; and on this head pressure could be exerted, and through him even the supreme measure of stopping the trade could be put into effect. But if the factories were filled with a body of merchants independent of the control of any superior, there would be no one to hold responsible for breaches of the law. The viceroy accordingly, in January 1831, directed the Co-hong merchants to order the English taipan to inform the company's court of directors that, "if the company be dissolved, it will, as heretofore, be incumbent on them to deliberate and appoint a chief, who understands the business, to come to Canton for the general management of commercial dealings."<sup>76</sup> Much was to depend on the interpretation of this injunction, and on the way in which the English and the Chinese respectively regarded the distinction between a President of the Honourable East India Company's select committee and His Majesty's Chief Superintendent of Trade to and from the dominions of the Emperor of China.

<sup>74</sup> Auber, *op. cit.*, pp. 323, 337; Matheson, "British Trade"; Crawford, "Chinese Monopoly"; "British Relations in 1832"; "Facts Relating, etc."; G. T. Staunton, "Notices of China, etc."

<sup>75</sup> The first "free ship," the *Sarah*, with "free teas" was loaded at Whampoa and despatched for London on March 22nd, 1834, by the still existing house of Jardine, Matheson & Co.—Hunter, "Fan-kwae," p. 33.

<sup>76</sup> Auber, *op. cit.*, p. 335.

# A. AMERICAN TRADE

Year ending March 31st.	Shipping.		IMPORTS.				EXPORTS.		Estimated Disbursements for Shipping.
	No.	Tons.	Opium.	Other Merchandise.	Treasure.	Total.	Merchandise.	\$	
			\$	\$	\$	\$	\$	\$	\$
1805	34	10,159	—	653,818	2,902,000	3,555,818	3,842,000	238,000	
1810	37	12,512	21,664	999,936	4,723,000	5,744,600	5,715,000	259,000	
1815	9	2,854	—	451,500	—	451,500	572,000	63,000	
1816	30	10,208	54,160	551,340	1,922,000	2,527,500	4,220,000	210,000	
1817	38	13,096	330,376	734,224	4,545,000	5,609,600	5,703,000	266,000	
1818	39	14,325	303,296	1,172,532	5,601,000	7,076,828	6,777,000	273,000	
1819	47	16,377	546,339	1,951,869	7,369,000	9,867,208	9,057,107	329,000	
1820	43	15,145	121,860	1,804,640	6,258,300	8,185,800	8,173,000	301,000	
1821	26	8,663	—	1,466,500	2,569,500	4,035,000	4,088,000	182,000	
1822	45	15,597	259,291	2,815,450	5,125,000	8,199,741	7,058,741	315,000	
1823	40	14,557	—	2,046,549	6,992,840	8,339,389	7,523,492	230,000	
1824	34	13,069	94,780	2,124,347	4,096,000	6,315,127	5,677,149	238,000	
1825	43	16,262	278,247	2,159,298	6,524,500	8,962,045	8,501,119	301,000	
1826	42	16,431	—	2,051,101	5,725,200	7,776,301	8,752,562	294,000	
1827	26	9,566	37,912	2,364,537	1,841,168	4,243,617	4,373,891	182,000	
1828	29	12,080	—	2,754,597	2,640,300	5,394,897	6,576,696	203,000	
1829	27	8,613	1,212,040	1,430,325	1,383,500	4,030,865	3,769,049	189,000	
1830	34	11,670	614,900	2,672,738	1,123,644	4,311,282	4,211,611	238,000	
1831	24	6,995	872,508	3,167,312	183,655	4,223,475	4,344,551	168,000	
1832	34	11,357	326,424	2,057,261	667,252	3,050,937	5,999,732	238,000	
1833	61	20,621	258,400	2,649,536	682,519	3,590,455	8,372,175	427,000	
Total 16 yrs.	594	211,338	4,925,997	34,557,592	58,089,378	97,602,967	103,255,875	4,158,000	
Average .	37	13,209	307,875	2,161,724	3,630,586	6,100,185	6,453,493	259,875	

# B. BRITISH

Year ending March 31st.	Shipping.		IMPORTS.		English Products.	Other Asiatic Commodities.	Impo Treasure.
	No.	Tons.	Opium.	Cotton.			
			\$	\$	\$		\$
1818	54	44,005	1,648,500	1,031,850	13,324,061		—
1819	{ 16 35 }	{ 21,217 — }	3,370,100	4,711,780	8,180,320		—
1820	{ 24 17 }	{ 28,460 — }	2,437,200	3,947,952	8,465,452		2,952,558
1821	44	41,817	2,225,780	2,618,028	11,075,185		—
1822	{ 22 38 }	{ 29,535 — }	1,857,688	4,438,224	3,817,359	5,992,563	—
1823	42	40,694	4,040,336	2,708,010	2,722,388	8,131,600	—
1824	{ 21 24 }	{ 28,245 — }	4,014,610	3,059,883	3,146,875	6,603,812	1,098,261
1825	{ 21 31 }	{ 27,514 — }	4,854,090	3,612,150	2,720,618	4,745,956	—
1826	{ 23 35 }	{ 28,707 — }	7,480,850	4,568,130	3,310,571	6,048,835	—
1827	{ 35 51 }	{ 39,013 — }	6,749,013	5,589,342	3,786,800	4,678,991	—
1828	{ 27 52 }	{ 31,421 — }	6,953,467	5,240,430	2,194,733	7,162,082	—
1829	{ 22 39 }	{ — — }	10,591,760	5,530,488	2,891,508	2,477,708	—
1830	{ 25 31 }	{ — — }	13,468,924	5,010,207	2,643,103	1,774,138	35,000
1831	{ 22 37 }	{ — — }	11,121,512	4,419,105	2,574,639	2,559,113	55,000
1832	{ 24 33 }	{ — — }	11,304,018	4,887,712	2,495,391	1,832,906	16,200
1833	{ 23 36 }	{ — — }	12,185,100	5,417,757	2,505,196	2,189,200	7,500
Total 16 years.	904		104,302,948	66,791,048	129,151,103		4,164,519
Average	56		6,518,934	4,174,441	8,071,944		260,282

# TRADE

BTS.	Exports.				Estimated Disbursements for Shipping.
	Total.	Tea.	Other Commodities.	Treasure.	Total.
\$	\$	\$	\$	\$	\$
16,004,411	5,483,600	4,580,720	4,080,000	14,144,320	408,000
16,262,200	5,537,168	5,010,410	3,130,143	13,677,721	388,000
17,803,162	6,997,225	5,627,133	2,206,571	14,830,929	326,000
15,918,993	7,593,184	6,668,825	495,123	14,757,152	346,000
15,205,834	8,337,218	5,831,385	480,560	14,649,163	457,000
17,602,334	8,661,321	4,281,159	234,600	13,177,080	331,000
17,923,441	7,735,437	5,634,731	2,618,500	15,988,668	351,000
15,932,814	7,511,377	5,146,282	1,743,357	14,401,016	400,000
21,403,386	7,358,814	5,746,125	4,341,000	17,445,939	444,000
20,804,146	9,585,106	5,452,662	4,019,000	19,056,768	652,000
21,550,712	8,578,778	4,426,370	6,102,146	19,107,294	595,000
21,491,464	8,755,547	5,109,204	4,477,830	18,342,581	453,000
22,931,372	8,554,196	5,479,961	6,735,100	20,769,257	488,000
20,729,369	7,925,405	5,421,951	6,524,895	19,872,251	520,000
20,536,227	7,792,274	5,424,209	4,023,003	17,239,486	528,000
22,304,753	7,775,510	5,147,825	4,890,925	17,814,260	518,500
304,409,618	124,182,160	84,988,952	56,102,753	265,273,865	7,205,500
19,025,601	7,761,385	5,311,810	3,506,422	16,578,367	450,344

# C. COMBINED BRITISH AND AMERICAN TRADE

YEAR ENDING MARCH 31ST.	IMPORTS.			EXPORTS.		
	GOODS.	TREASURE.	TOTAL.	GOODS.	TREASURE.	TOTAL.
1818	\$ 17,480,239	\$ 5,601,000	\$ 23,081,239	\$ 16,841,320	\$ 4,080,000	\$ 20,921,320
1819	18,760,408	7,369,000	26,129,408	19,603,685	3,130,143	22,733,828
1820	16,777,104	9,211,858	25,988,962	20,797,368	2,206,571	23,003,929
1821	17,384,493	2,569,500	19,953,993	18,350,069	495,123	18,845,132
1822	18,280,575	5,125,000	23,405,575	21,227,344	480,560	21,707,904
1823	19,648,883	6,292,840	25,941,723	20,465,972	234,600	20,700,572
1824	19,044,107	5,194,261	24,238,368	19,047,317	2,618,500	21,665,817
1825	18,370,359	6,524,500	24,894,859	21,158,778	1,743,357	22,902,135
1826	23,439,487	5,725,200	29,164,687	21,857,501	4,341,000	26,198,501
1827	23,206,595	1,841,168	25,047,763	19,411,659	4,019,000	23,430,659
1828	24,305,309	2,640,300	26,945,609	19,581,844	6,102,146	25,683,990
1829	24,133,329	1,388,500	25,522,329	17,633,800	4,477,830	22,111,630
1830	26,084,010	1,158,644	27,242,654	18,245,768	6,735,100	24,980,868
1831	24,714,189	238,655	24,952,844	17,691,907	6,524,895	24,216,802
1832	22,903,712	683,452	23,587,164	19,216,215	4,023,003	23,239,218
1833	25,205,189	690,019	25,895,208	21,295,510	4,890,925	26,186,435
Total 16 years.	339,758,488	62,253,897	402,012,385	312,425,987	56,102,753	368,528,740
Average.	21,234,905	3,890,869	25,125,774	19,526,624	3,506,422	23,033,046

## NOTES ON TRADE STATISTICS

The values given for tea, opium, and raw cotton are accurate only for the five years 1829-1833; for the eleven years 1818-1828 they are based on the average of the later five years.

In the table of British trade, shipping column, the upper figures for each year give the shipping of the East India Company, large ships averaging 1200 to 1300 tons burden; the tonnage of the country ships, trading between India and China, is not generally given, but they averaged about 600 tons. The American ships of that day were small, the average for the sixteen years being 357 tons burden; and in 1833, when the large number of 61 ships entered into the trade, they averaged 338 tons. The "tons burden" of that day corresponded to the modern "tons register" in the proportion of 100 to between 80 and 90.

In the British trade during the sixteen years, to imports opium contributed 34 per cent., cotton 22 per cent., and other commodities 42 per cent., while treasure imported was little over 1 per cent. The export trade was provided, 47 per cent. by tea and 32 per cent. by other commodities, of which roughly half was silk, while no less than 21 per cent. was taken in hard cash.

In the American trade opium provided 5 per cent., mainly in the last five years, and 35 per cent. came from goods in general, of which little came from America, and the greater part consisted of Asiatic products picked up on the way. Close on 60 per cent. of the total value introduced was in the shape of Spanish dollars; and it is probable that even this proportion, based on declared quantities, was exceeded; merchants are not always inclined to declare the amount of cash at their disposal, and there is an uncovered margin of fully \$15,000,000 required to provide for the excess of value of merchandise exported, for disbursement on account of ships, and for the upkeep of the American merchants' establishments during the sixteen years. Hunter ("Fan-kwae," p. 55) states that in 1831 three vessels alone brought \$1,100,000; but the only statistical statements available give \$183,655 only as the amount of specie introduced in the season 1830-1831 and \$667,252 in the season 1831-1832. In the first years of the nineteenth century, up to the outbreak of the war of 1812, over 75 per cent. of the American trade was covered by specie.

Of the combined trade under the two flags it is sufficient to note that the specie introduced under the American flag more than covered that sent away in British "country" ships.



## CHAPTER V

### THE QUESTION OF JURISDICTION

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§ 1. DURING the earlier period of foreign trade, in the sixteenth and seventeenth centuries, the Chinese empire was subjected to a constant succession of attacks by invaders, followed by the process of conquest by the new Manchu dynasty; and the disorganisation of the central government was so great that but little attention could be given to minor episodes, such as the arrival of a few trading ships at ports on the fringe of the empire. Even before the order went forth in 1545 to slay the Portuguese at Ningpo and Chinchew,<sup>1</sup> the northern frontier had been disturbed by raids, attaining almost the dignity of invasions, by the Mongols under Anta, continuing almost year by year from 1542 until 1570, when a formal peace was concluded.<sup>2</sup> In 1549 the Japanese raided the coast of Chekiang, again in 1553, again in 1557, again in 1559, and in 1563 it was the turn of the Fukien coast. In 1592-1598 came the great Japanese invasion of Korea, when Hideyoshi overran the country and defeated the troops sent by China to support her vassal.<sup>3</sup> In the years 1593-1596 the Mongol raids were resumed.<sup>4</sup> During this half-century there were in addition several of the recurring rebellions of China to challenge the attention of her rulers. Coming to the seventeenth century, there was in 1615 a summer invasion by the Mongols, 100,000 strong; in 1616 Nurhachu, king of the Manchus, assumed the Imperial title, in 1618 he opened his campaign against China, and in ten years following wrested what is now Manchuria from the rule of the Ming emperors, and overran Korea; in 1629 his son marched over the frontier into China, but in 1630 was forced to raise the siege of Peking.<sup>5</sup> In 1630 began the great rebellions of Li Tze-cheng and Chang Hien-chung, of whom the latter at one time controlled the Yangtze and ended as king of Szechwan, while the former undermined the Ming dynasty and, in 1644,

<sup>1</sup> Cf. chap. iii, § 1.

<sup>2</sup> Macgowan, "Imperial History," pp. 495-499.

<sup>3</sup> Ibid., pp. 496-498, 503.

<sup>4</sup> Ibid., p. 504.

<sup>5</sup> Ibid., pp. 506-511.

was the usurping emperor of a day. He was at once opposed by the Ming general, Wu San-kwei, aided by the *tertius gaudens*, the Manchu regent, who without delay placed the boy emperor on the throne, and established the Tsing dynasty of the Manchus on Chinese soil. It took no long time to overrun the provinces, but rebellion after rebellion broke out, and prince after prince raised the standard of the Ming; and the definite settlement of the empire can hardly be assigned to a date earlier than 1683.

§ 2. During this period of disorder, much, even more than customary, was perforce left to the local authorities, and that these were not remiss in the execution of their duty is seen in the steps taken to secure the power of judging and taxing within the limits of Macao.<sup>6</sup> Taxation has always been left in its details to the provincial authorities, so long as a share in the proceeds came to those in power in Peking in due proportion to their desires; but the execution of the criminal law has always been closely supervised, and the application of the code to foreigners accused of wounding or of homicide became an object of keen interest. In dealing with men from the West, China was dealing with a hitherto unknown problem; and she solved it in the way which should give the least trouble to herself.

§ 3. Civil suits gave China no trouble. Those between foreigners and Chinese were readily settled, since the power of dictating terms was always in the hands of the Chinese merchant, with whom alone could be transacted any business which might give rise to a suit—except only the loans of money to Chinese which occasioned difficulty from time to time. Business disputes between foreigners were never brought to the knowledge of the Chinese, and this was quite in accord with the Chinese practice of settling civil suits through the gild, or by arbitration—never by appealing in the courts. In criminal matters we are not concerned with the traders in the factories, since, except on one occasion, no offence was ever committed by any of their number, either by design or, during the factory period, by accident; and such criminal charges as were brought during the whole of this period, up to the establishment of extraterritoriality, were brought against the crews of the ships. Before describing the

<sup>6</sup> Cf. chap. iii, §§ 4, 5, 6.

nature of these charges and the way they were dealt with, however, it will be well to consider the jurisdiction asserted by China over foreign national ships.

§ 4. The first foreign ship of war, of the arrival of which in Chinese waters there is any record, was the British ship *Centurion*, which came in November 1741, with Commodore Anson on board. The ship was refused permission to pass the Bogue, in accordance with Chinese law, as declared by the Chinese; and it was only by a firm attitude that the commodore obtained a permit allowing him to proceed in person to Canton. Having refitted, the *Centurion* went on a cruise and captured the annual Spanish ship from Acapulco and Manila, and took her prize into the Canton river. A demand was at once made for "the customary duties for the *Centurion* and her prize," but it was rejected by Commodore Anson; and it was only after some further negotiation that he obtained permission to have "his bread baked, his meat salted, and his stores prepared with the utmost despatch." Much delay occurred in this, and the commodore asked by letter for an interview with the viceroy, and it was granted owing to a happy incident, in which the crew of the *Centurion* was able to give valuable assistance in extinguishing a great fire in the city. The interview, held on November 30th, 1742, was friendly, but the efforts of the bluff sailor to discuss the general question of trade exactions were met by a chilling silence.<sup>7</sup>

§ 5. In 1764 H.M.S. *Argo* arrived in China with treasure for the East India Company, and entered Whampoa to refit. The customs authorities demanded that she should be measured, but the commander asked that his ship be put on the same footing as the *Centurion*. The security merchants thereupon refused to become security for the company's ships, and the viceroy intimated that he looked upon the company's agents as responsible for anything that occurred in connexion with English trade; and it was pointed out that the *Centurion* had ostensibly entered port in distress, but that the *Argo* had brought treasure for trade purposes. The company's agents proposed that they should pay on the *Argo*, without measurement, as on the largest of the company's ships; but the Hoppo insisted on actual measurement. Finally, after all English trade

<sup>7</sup> Auber, "China: an Outline," p. 163.

had been stopped for four months, the Chinese demand was acceded to, and this king's ship was measured for port dues.<sup>8</sup>

§ 6. In February 1791 H.M. ships *Leopard* and *Thames* arrived at Macao. The commodore in command was persuaded by the company's supercargoes to remain below the Bogue, on the assurance that it was contrary to the laws of China for ships of war to enter the river, and that he should have all supplies he might require.<sup>9</sup>

§ 7. During the French wars, 1793-1815, many British ships of war arrived in Chinese waters from time to time, but they generally remained at Macao or outside the Bogue. The events in connexion with the acts of H.M.S. *Doris* in 1814 have been already alluded to;<sup>10</sup> but under date of 1806 it is recorded that "the select committee had again been involved in embarrassing discussions with the Chinese in favour of his Majesty's ships frequenting China, and, although there was no hope that these claims would be officially recognised, the anchorage at Chuenpi, near the Bocca Tigris, was tacitly acquiesced in, and the supply of stores, etc., at that anchorage openly permitted."<sup>11</sup> The position of the Chinese authorities, though incorrect, is perfectly intelligible. They granted neither status nor rights to any other power—did not, in fact, recognise the existence of a nation in the sense of being a sovereign independent power; and their attitude toward foreign ships of war was much that of England, up to no very long time before, toward national ships of foreign powers within the narrow seas, in which they were required to strike their flags and lower their topsails on passing an English national ship, in recognition that the sovereignty of the seas lay with the English.<sup>12</sup> But, while the English maintained their claim by cannon-shot, actual or potential, the Chinese were averse to the use of force, except against "rebellion," and were weak in maritime power to be

<sup>8</sup> Auber, op. cit., p. 176.

<sup>9</sup> Ibid., p. 191.

<sup>10</sup> Cf. chap. iii, § 17.

<sup>11</sup> Auber, op. cit., p. 223.

<sup>12</sup> This claim was maintained and admitted down into quite modern times. In the treaty signed April 5th, 1654, between Holland and the English Commonwealth, it was agreed "that the ships of the Dutch, as well ships of war as others, meeting any of the ships of war of the English Commonwealth in the British seas, shall strike their flags and lower their topsails in such manner as hath ever been at any time practised under any form of government."—Clowes, "Royal Navy," ii, p. 116.

employed against maritime "rebellion." Foreign merchant ships and their crews had been brought under control, on one side, of the security merchant, and, on the other, of the taipan, or responsible head of the mercantile community of each nationality; and the application of this system to national ships was a natural step to take, and, if no objection were made, provided a satisfactory solution of the difficulty. As all the war-ships arriving were British up to the arrival, in November 1820, of the American frigate *Congress*, the question fell for decision into the hands of the East India Company's agents, and their hands were tied in face of the Chinese weapon of stopping the trade. As late as 1818 the select committee at Canton suggested the annual visit of a British ship of war, but to this proposal the court of directors expressed a strong feeling of disapprobation, since the company's connexion with China was purely commercial, and it was their fixed determination to preserve that character inviolate.<sup>13</sup> Later, in 1821-2, when events connected with H.M.S. *Topaze* led to a stoppage of the trade under circumstances which brought the committee to the resolution to withdraw from China, its members were informed by the directors that, while they did not withhold the praise and high commendation due for their firm and judicious, yet temperate, stand against the attempt to implicate them and the company in the doings of a king's ship, still "your departure might have closed our relation with China, while it opened the door for competitors, and your return to China, if permitted, would probably have been accompanied by the most humiliating conditions."<sup>14</sup> The nervous apprehensions of the company's directors, the desire of the king's officers not to embarrass the company, and the consistent attitude of the Chinese, coupled with their complete ignorance of foreign power and rights, all combined to produce a settlement of the question of the treatment of national ships, which was entirely satisfactory to the Chinese.

§ 8. The exercise of criminal jurisdiction in cases of homicide and wounding can best be illustrated by an account of the cases actually occurring; and that, in a very long term of years, these should have been so insignificant in number and in their character, says much for the strictness of the control exercised

<sup>13</sup> Auber, op. cit., p. 281.

<sup>14</sup> Ibid., p. 307.

over the crews of ships. After a voyage over the longest of the ocean courses, shore leave was doubly sweet, and shore allurements presented temptations which could not be resisted. The Chinese enacted regulations against the sale of strong drink; but in China regulations are never enforced except to serve the pecuniary interests of the officials, and the attempt to restrict the sale of liquor resulted only in covert free trade.

"Jack was there, too—Jack of the clipper age, now soon to be classed with the Great Auk and the native Tasmanian; and for his enjoyment and the procurement of that refined gladness which went to earn for him his sobriquet of 'Happy Jack' due provision was made at Whampoa. . . . Of course, there was the grog shop, where mystic liquor was retailed and an orchestra of a cracked fiddle and a Chinese drum made sweet music when Jack felt inclined for the giddy dance; nothing was wanting for his pleasure, but when his unsatisfied soul longed for something better, when he felt that he wanted a real good time—with accompaniments—then there was Bamboo Town. . . . Every house was a drinking den or worse, the liquor there dispensed being probably more vivid and erosive than that supplied at the New Town . . . and since there 'Life was strife, and strife meant knife,' it is easily deducible that accidents may have happened. . . . It was customary, while the ships waited at Whampoa for cargo, that the crews should have a liberty day at Canton . . . the speciality of Hog Lane was strong liquor . . . and a good departure from Jackass Point having been made, the time of arrival would depend on luck, the state of the tide, and the state of sobriety among the returning pilgrims—how many could pull an oar and how many could only argue about the proper course to steer, besides the hopeless ones in the bottom of the boat."<sup>15</sup>

Temptations, leading to acts of violence, were presented to Jack in all sea-ports; but, with the charms of novelty super-added, the temptations at Whampoa and Canton presented a peculiar attraction. Yet, in the history of a century, there were less than a dozen cases of homicide such as to lead to international difficulties.

§ 9. In Macao the Chinese had early taken steps to retain criminal jurisdiction in their own hands, as has been narrated,<sup>16</sup> and for the first century or two, at least, they had not permitted jurisdiction to the Portuguese, even in cases where one European killed another.<sup>17</sup> In 1827 it is recorded, as a note—

<sup>15</sup> Lloyd, "Hongkong to Canton," pp. 27, 44. See also Morrison, "Commercial Guide," p. 127.

<sup>16</sup> Cf. chap. iii, § 5.

<sup>17</sup> Auber, *op. cit.*, p. 85. Foreign murderers in Macao were executed by the Chinese executioner up to 1805.—Ljungstedt "Portuguese Settlements," pp. 14, 32.

worthy event, that the Portuguese had executed a Portuguese black slave for the murder of a Chinese, thus showing that they had then established the right of exercising their own laws on their own subjects;<sup>18</sup> but as late as 1826 we find assaults on Englishmen in Macao dealt with by the Chinese authorities.<sup>19</sup>

§ 10. The first case at Whampoa occurred in 1689 on the *Defence*, the first of the East India Company's ships permitted to enter into the trade of the port. A Chinese having been killed by the crew, some of the latter were cut down, and the surgeon mortally wounded. The officials demanded Tls. 5000 damages from the ship; a composition of Tls. 2000 was offered, "which being refused, the ship left Canton."<sup>20</sup>

§ 11. In 1721 the accidental death of an officer of the *Hoppo* at Whampoa caused the arrest at Canton of two mates and four others from the *Cadogan*. This was an ordinary attempt at extortion, based on the same principles as those leading the enemy of any Chinese to commit suicide on his doorstep; and representations by the supercargoes caused the release of the prisoners and the cashiering of the officers making the arrest.<sup>21</sup>

§ 12. In 1722 the gunner's mate of the *King George*, while out shooting birds, accidentally wounded a boy mortally; compensation was paid amounting to Tls. 2000, "of which the parents had 350." This settlement, perfectly legal by Chinese law, though far more exorbitant than the law required, did not quite settle the matter, and the clearance of the ship was withheld for a time.<sup>22</sup>

§ 13. In 1754 there were constant quarrels between the English and French seamen at Whampoa, and in one affray an Englishman was killed by a Frenchman. An inquest was held by the Chinese authorities, and the viceroy, on the demand of the English for justice, stopped the French trade until the man guilty of the murder was surrendered. He was released in the following year by order of the emperor, on the occasion of a general act of grace.<sup>23</sup>

§ 14. In 1773, at Macao, a Chinese lost his life, and an Englishman, Francis Scott, was charged with the homicide. He was arrested and tried by the Portuguese courts, which

<sup>18</sup> Auber, *op. cit.*, p. 313.

<sup>19</sup> Cf. *postea*, § 30.

<sup>20</sup> Auber, *op. cit.*, p. 149.

<sup>21</sup> *Ibid.*, p. 155.

<sup>22</sup> *Ibid.*, p. 156.

<sup>23</sup> Davis, "The Chinese," i, p. 56.



completely exculpated him. The Chinese, however, demanded his surrender to them for trial; and, after some discussion, and resistance, the Portuguese authorities ultimately yielded, under the provisions of art. v of the convention of 1749.<sup>21</sup> The Chinese retried him and executed him.<sup>25</sup>

§ 15. In 1780 a French seaman belonging to a country ship,<sup>26</sup> the *Success*, in self-defence killed a Portuguese sailor of the company's ship *Stormont*. The criminal took refuge at the French consul's, where he remained many days, but was at length given up to the Chinese, and was strangled publicly by order of the governor of the province. The chronicler adds: "This was the first instance of an European being executed for the murder of another in China, and was considered to form a dangerous precedent."<sup>27</sup> It must be observed, however, that strangulation was, in Chinese criminal procedure, a mitigation of the extreme penalty of decapitation.

§ 16. In November 1784 a gun fired from the country ship *Lady Hughes*, while saluting, caused the death of a Chinese. The authorities demanded the surrender for trial of the man who had fired the gun, but were informed that it could not be definitely ascertained who the man was. The supercargo of the ship was then arrested and carried into the city, where he was well treated, but was held responsible for what had occurred on his own ship; and there were indications of an intention to arrest the president of the company's committee, if the arrest of the ship's supercargo did not produce the result aimed at. The merchants of all nationalities, English, French, Dutch, Danish, and American,<sup>28</sup> took concerted action in ordering up boats from all the ships, manned and armed, to protect the factories. In the end, to procure the release of the supercargo, the gunner was surrendered to the Chinese. There is no record of the nature of the trial accorded to him, and he was strangled on January 8th, 1785, under orders from Peking.<sup>29</sup> Considering the dates, the order must have been sent in reply to the first

<sup>21</sup> Cf. chap. iii, § 5.

<sup>25</sup> Davis, *op. cit.*, i, p. 81.

<sup>26</sup> An English ship trading between India and China, not belonging to the East India Company, but sailing under its licence and general control.

<sup>27</sup> Auber, *op. cit.*, pp. 181, 294.

<sup>28</sup> The first American ship to enter into the Canton trade, *The Empress of China*, was then in port.

<sup>29</sup> Auber, *op. cit.*, p. 183.

reports on the occurrence, and not after any trial of the gunner. A competent authority has stated that "the Chinese were, in fact, frightened at their own boldness, and a little resolution on the other side might have saved the man's life."<sup>30</sup>

§ 17. In 1800 H.M.S. *Madras* sent H.M. schooner *Providence* up from Lintin to Whampoa. While the schooner was there, the officer of the watch, having hailed a boat which had been at the bows for some time in the night, and receiving no answer, fired into her, under a conviction that she was attempting to cut the schooner's cable. One Chinese in the boat was wounded, and another fell overboard and, it was supposed, was drowned. The man who fired the shot was kept in custody on board; and the Chinese authorities demanded his surrender for trial. The captain of the *Madras* admitted the wounding, in order to clear the company's ships, but refused to surrender the man for trial unless he himself was present, and made counter-charges of attempted theft, similar to other previous attempts. The wounded man recovered, and the Chinese admitted that the man who was drowned had thrown himself overboard; and the matter was dropped.<sup>31</sup>

§ 18. In 1807 some sailors of the *Neptune* were on shore leave at Canton, and, indulging in the vile spirits retailed to them, became involved in a disturbance. The men were got back into the factories; but, the Chinese having followed them in great numbers, the disturbance continued through the whole day, notwithstanding the efforts of the Chinese officials and the security merchants to disperse the mob. Ultimately, at the close of the day, the sailors escaped from their officers, rushed out to renew the fight, and, though they were soon brought back, they wounded several Chinese, one of whom died three days later. The relations of the deceased did not try the impossible task of fastening the blame on any one person; but the officials, collating time and place, fixed it on the men from the *Neptune*, and called upon the select committee to discover the man who had struck the blow, and to deliver him up for trial. Twice were investigations conducted on board the *Neptune*; but the Chinese themselves could offer no evidence incriminating any one person, though the ship's security merchant had offered a reward of \$20,000 for the detection of the culprit,

<sup>30</sup> Davis, op. cit., i, p. 67.

<sup>31</sup> Auber, op. cit., p. 203.

and the select committee were compelled to report their inability to point out the guilty person. Trade by the English ships was meantime stopped. Ultimately an investigation, at which English officers were present, was conducted by the Chinese magistrate; and his decision was that one of the sailors, Edward Sheen, should be detained in the English factory as being selected to be guilty of accidental homicide. The rest of the fifty-two men on the *Neptune* were accordingly acquitted, and trade was resumed after two months' stoppage. In the next year Sheen was released from detention, under orders from Peking, on payment of the fine of Tls. 12.42 (about £4), prescribed by Chinese law for purely accidental killing.<sup>32</sup>

§ 19. In 1810 the death of a Chinese was said to have been caused by an English sailor; but no proof was adduced of the fact, or even to identify the ship, though it was declared to be the *Royal George*. Clearance was refused to the English ships, as a matter of course, but was ultimately granted upon condition that the culprit, when discovered, should be punished in accordance with the laws of England.<sup>33</sup>

§ 20. In 1820 a Chinese was accidentally shot in a boat at Whampoa, but by whom could not be ascertained. While the investigation was proceeding, a butcher on the company's ship *Duke of York* killed himself in a fit of insanity, and the Chinese were allowed to believe that he was the culprit. A subsequent attempt by the family of the deceased to throw doubt on the settlement was severely dealt with by the authorities.<sup>34</sup>

§ 21. In 1821 the company's ship *Lady Melville* was involved in events leading to the death of a woman. The case was settled by pecuniary inducements to the relations of the deceased not to lodge a complaint with the officials.<sup>35</sup>

§ 22. On September 23rd of the same year (1821) occurred the case of the sailor Terranova, Italian by birth, serving on the American ship *Emily* at Whampoa. He dropped or threw an earthen jar, which was declared to have struck on the head of

<sup>32</sup> Auber, op. cit., p. 224; G. T. Staunton, "Notices on China," p. 233. Sir George T. Staunton was a member of the select committee at the time, and was appointed by the court of directors Chinese interpreter to the factory, in recognition of his judicious conduct of the affair; while Captain Rolles, of H.M.S. *Lion*, was presented with £1000.—Auber, op. cit., p. 228.

<sup>33</sup> Auber, op. cit., p. 237.

<sup>34</sup> Ibid., p. 283.

<sup>35</sup> Ibid., p. 296.

a woman in a boat, and caused her to fall overboard. His surrender was demanded, and was refused, whereupon the American trade was stopped. Then it was agreed that he should be tried on board. The trial was conducted by the Punyü Hien, who heard the evidence for the prosecution, and refused to allow that evidence to be interpreted, refused to allow testimony or argument for the defence, and adjudged the accused guilty. After this mockery of a trial and farce of a judicial decision, he was then put in irons by the ship's officers, but not yet surrendered. The trade was still stopped, and American merchants and shipping annoyed; and after another week he was surrendered to take a second trial in the city. No one not Chinese was present at this trial, and he was again adjudged guilty and executed by strangulation within twenty-four hours. His body was then returned to the *Emily*, and American trade reopened.<sup>36</sup>

§ 23. On December 15th, 1821, an unarmed party from H.M.S. *Topaze*, then at the Lintin anchorage, was landed on Lintin Island for water and washing clothes, and, while thus engaged, was attacked by the Chinese of the island, armed with spears and bamboos. The officer in command on board the frigate sent a party of marines, armed, to cover the retreat of the watering party, and fired several rounds from the big guns at the neighbouring village, to keep it in check. Of the English seamen, fourteen were wounded, some of them severely; while, of the Chinese, two were reported to have been killed and four wounded. Captain Richardson, of the *Topaze*, wrote to the viceroy, asking that the disturbers of the peace be punished; but, when asked to send the wounded sailors on shore to be examined, he refused, and, while assenting to the visit of a Chinese official on board, declared that he could not suffer any official investigation on board a king's ship. The company's select committee was then informed that the viceroy would hold the English taipan responsible, and that English trade would be stopped, if the seamen were not sent on shore, or if the *Topaze* departed before the affair was settled; it was further

<sup>36</sup> Davis, "The Chinese," i, p. 100; Auber, op. cit., p. 296; Williams, "Middle Kingdom," ii, p. 460; G. T. Staunton, op. cit., p. 409; Foster, "American Diplomacy in the Orient," p. 40. Davis (p. 101) states: "The Peking government was at the same time informed that he had been tried in open court, and that the American consul had witnessed his execution!"

intimated that it was expected that two men should be surrendered, being one for each of the Chinese lives lost. The *Topaze* having moved from Lintin to Macao, the committee was informed that the responsibility now lay with the taipan; and the answer was returned that the committee had no powers of control over ships of war, and that the viceroy should communicate direct with Captain Richardson. It was then decided that the English should withdraw; and on January 11th the flag at Canton was hauled down, and the fleet of English ships moved down to the second bar anchorage, just inside the Bogue. The viceroy thereupon, on the 13th, declared that this step convinced him that the committee actually could exercise no control over a national ship, and that the taipan was therefore absolved from personal responsibility, but that the trade could not be reopened until the men were delivered up. Captain Richardson now proposed that, on his return to England, a trial should be held there in accordance with English law; this the viceroy rejected. The captain then announced, on January 29th, that his intention was to sail for England on February 8th, which he did, after having, on the 4th, received the Chinese officials unofficially on his ship. Various attempts were made to induce the committee to agree to a compromise based on declarations at variance with the facts; and ultimately, on February 23rd, the trade was reopened and the committee absolved from responsibility.<sup>37</sup>

§ 24. In 1824 a boat alongside the company's ship *Earl of Balcarras* having been warned to leave, but paying no attention, a midshipman threw a billet of wood on the covering. A dying man was placed in the boat, and it was charged that he had been killed by the billet; compensation of \$3000 was

<sup>37</sup> Davis, op. cit., i, p. 101; Auber, op. cit., p. 288. Auber (p. 293) states that the committee recorded the following minute: "Thus we see our situation clearly made responsible for the acts of between two and three thousand individuals who are daily coming in contact with the lowest of the Chinese, and are exposed to assaults so wanton, and often so barbarous, as well as to robberies so extensive, that self-defence imposes upon them the necessity of attacking their assailants in a manner from whence death must often ensue. A great and important commerce is instantly suspended, whole fleets at times detained, ourselves liable to seizure, and to be the medium of surrendering a man to death whose crime is only self-defence or obedience to orders, or else to lend ourselves to the most detestable falsehoods, in order to support a fabricated statement which may save the credit of the officers of the Chinese government."

claimed, subsequently reduced to \$300. The ship's surgeon examined the body and certified that the man died from disease, and showed no signs of having been struck. The committee reported the matter to the viceroy, but no further steps were taken.<sup>38</sup>

§ 25. In 1833 a Chinese was killed in an affray at Kumsingmoon, and a lascar at Macao, though innocent, was induced to declare himself the murderer, and was conveyed surreptitiously to Canton. The select committee intervened in the interest of justice and fair play, and, after an exchange of letters, succeeded in obtaining an assurance from the viceroy that the affair "assuredly will not lead to the forfeiture of life." The man was subsequently released.<sup>39</sup>

§ 26. The above is the record of cases in which charges of murder or manslaughter were brought against foreigners; and it now becomes necessary to consider those of assaults on foreigners. In 1755 Messrs. Harrison and Flint, agents of the English East India Company, were sent to open trade at Ningpo. In 1757, by Imperial edict, trade was restricted to Canton; but in 1759 Mr. Flint was again sent to Ningpo. Communication being refused, he proceeded to Tientsin and delivered a memorial to be sent to the emperor. As a result all impositions at Canton were for the time remitted, except 6 per cent. duty on goods and the gratuity of Tls. 1950 from each ship; but on his return to Canton Mr. Flint was arrested and condemned to banishment from the empire; before the sentence was carried out, however, he was detained in a Chinese prison at Casa Branca from March 1760 to November 1762.<sup>40</sup> His offence seems to have been that he disregarded the Imperial edict restricting trade to Canton, that he sent a memorial direct to the emperor, and that he had scored a point over the Canton officials.

§ 27. In 1785 some English sailors, while strolling on shore at Whampoa, were attacked by Chinese, and one of their number killed. The matter was reported to the authorities, and the guilty person was arrested, tried, and strangled.<sup>41</sup>

§ 28. In 1820 two members of the English factory were attacked at Macao by Chinese armed with swords and knives.

<sup>38</sup> Auber, *op. cit.*, p. 310.

<sup>39</sup> Davis, *op. cit.*, i, p. 57; Auber, *op. cit.*, p. 171.

<sup>40</sup> Chin. Rep., March 1834.

<sup>41</sup> Auber, *op. cit.*, p. 187.

The Tsotang of Macao undertook to punish the offenders, if the committee would agree not to carry the case to Canton; and, after investigation, he inflicted the penalty of blows with the bamboo on two men, besides condemning them to wear the cangue for a month.<sup>42</sup>

§ 29. In 1821 some Chinese tradesmen, having claims against one of the officers of the ship *Winchelsea*, came to the captain to demand a settlement. Upon some items in the bills being objected to, several of them assaulted him, and one man laid his head open by a blow. Through the agency of the ship's security merchant, the offenders were "severely chastised."<sup>43</sup>

§ 30. In 1826 an attack was made by a Chinese on two members of the English factory while at Macao. The most prompt and effective measures were taken by the Chinese for the arrest and punishment of the offender.<sup>44</sup>

§ 31. In 1827 two Chinese assaulted Captain Walker at Canton, near the factories. The committee reported the case to the authorities, and drew attention to the existence of low grog shops, which constituted a serious evil. The shops were shut up, and the assailants severely punished.<sup>45</sup>

§ 32. The Innes case will close our record. In April 1833, when the East India Company's charter was drawing to an end, and its control was therefore relaxed, a "licensed" English merchant, James Innes, had reason to complain of the constant noise of wood-chopping just outside his house. He took his complaint to the security merchant, who, after some days, produced an order from the Hoppo prohibiting the annoyance. The prohibition producing no effect, Mr. Innes went with two friends to the Hoppo's<sup>46</sup> house to point out the futility of the order given; and, being unable to see him, was attacked, while still in the house, by a man armed with a chopper. Mr. Innes was wounded in the arm, and, having asked his two friends to identify the man, returned home. He then demanded of his security merchant the immediate arrest of the culprit for trial

<sup>42</sup> Auber, *op. cit.*, p. 282. The cangue is a wooden board about 30 inches square, with a hole in the middle for the neck, carried on the shoulder and inscribed with the offence and its punishment.

<sup>43</sup> Auber, *op. cit.*, p. 285

<sup>44</sup> *Ibid.*, p. 312.

<sup>45</sup> *Ibid.*, p. 313.

<sup>46</sup> Presumably a subordinate officer of the Hoppo, as the latter's official residence was at some distance from the factories.

by Chinese law, and added that, if the man was not arrested before sunset (it then being 2 p.m.), he would set fire to the Hoppo's house. Nothing was done within the limit set. Mr. Innes then bought rockets and blue-lights, and "by eight p.m. the mandarin's house was on fire." Redress was at once accorded. Mr. Innes's assailant was punished next day, being exposed all over Canton wearing the cangue. "The Viceroy and Hoppo wrote very proper answers to me, and, excepting for the [security] merchant's letter to your committee, I should have considered the affair as finished."<sup>47</sup> Mr. Innes considered that he was fully justified in the course he adopted; but the select committee informed the Co-hong merchants that, after an investigation of the case, they considered that he had acted most unjustifiably.<sup>48</sup>

§ 33. In treating of this record of criminal acts, the commentators, both of that time and of later date, are agreed in characterising the Chinese administration of justice as barbarous, and in condemning the conduct of those who were responsible for surrendering to it any foreigner charged with a crime. We, in the twentieth century, must be careful not to measure the doings of former times by the standards and conventions of to-day, as we hope that our doings may be gauged by our standards, and not by those of the future. In the cases cited, the official chronicler of the East India Company declares that "the Chinese have no desire to screen their countrymen from punishment when guilty, but the inquiry must be carried on according to their own forms and usages";<sup>49</sup> and this proviso is true, not only in the case of charges against Chinese, but as well when Chinese brought plaint against the foreign sailors.

§ 34. The Americans occupied a position apart. They were "free-trade" intruders into a world of monopoly, for the purpose of trade, and they subordinated everything to that purpose. A young nation, with no feudal past, their own criminal laws were milder than those of other nations, East or West; but in going to China they adopted the position embodied in the declaration made on the occasion of the Terranova trial—"We are bound to submit to your laws while we are in your waters; be they

<sup>47</sup> Mr. Innes's statement, in Auber, *op. cit.*, p. 364. Also Davis, "The Chinese," i, p. 119.

<sup>48</sup> Auber, *op. cit.*, p. 365.

<sup>49</sup> *Ibid.*, p. 310.



ever so unjust, we will not resist them."<sup>50</sup> This attitude was maintained consistently until Caleb Cushing took up the question of extraterritoriality in 1844.

§ 35. The English showed themselves as ready to submit to Chinese law, but experience drove them to debate as to what the law was, and how it was administered. The law itself was clear and, so far as pertinent to our subject, may be briefly summarised as follows:

1°. Wilful and premeditated murder is punishable by beheading.

2°. For homicide during an affray, though without any express desire to kill, or killing another on suspicion of theft, or being accessory to a murder, the penalty is strangulation.<sup>51</sup>

3°. Persons who kill or wound another purely by accident (in such way that no sufficient previous warning could have been given) may redeem themselves from punishment by payment of a fine to the family of the person killed or wounded. [The legal amount of this fine was Tls. 12.42,<sup>52</sup> as exemplified in Sheen's case.]

4°. Killing in lawful self-defence is justifiable and not punishable.<sup>53</sup>

To this law, if justly administered, the English may well have been willing to submit. At this same period, not to mention that sheep and horse stealing, the stealing of sums exceeding twelve pence, and other similar offences, were punishable by death, it was also, by the law of England, a capital felony to attempt to kill, even without wounding, or even to present and try to fire a loaded gun with intent to kill; and it was not until 1861 that attempts to murder resulting in bodily injury, were taken out of the list of capital crimes.<sup>54</sup> The two laws were not far apart, except that in the Chinese law more consideration appears to have been given to the result of an assault, and in the English law to the intention; and this

<sup>50</sup> North American Review, Jan. 1835, cited in Williams, "Middle Kingdom," ii, p. 460.

<sup>51</sup> The extreme penalty is beheading, since that leaves the body mutilated for the future world. Strangulation, which leaves the body intact, is a mitigated form of punishment; it is done with a cord, as hanging is strangulation by a loop at the end of a cord.

<sup>52</sup> G. T. Staunton, "Ta Tsing Leu Lee," Div. vi, Bk. ii, § cccxlii, clause 2.

<sup>53</sup> Ibid., pp. 303-323; Ibid., "Notices on China," p. 410; Gutzlaff, "China Opened," ii, p. 78; Auber, op. cit., p. 207; Davis, "The Chinese," i, p. 393; Chin. Rep., March 1834; Jernigan, "China in Law and Commerce," p. 76.

<sup>54</sup> J. F. Stephen, "History of the Criminal Law of England," iii, pp. 114-116. The law of 1803 (43 Geo. 3. c. 58) brought the slightest attempt at murder finally within the meshes of the law. In 1828 (9 Geo. 4. c. 31), and in 1837 (7 Will. 4. and 1 Vic. c. 85), the law made a distinction between attempts which did and those which did not result in bodily injury; and in 1861 it was enacted that only where death resulted was the death penalty to be inflicted.

difference in the point of view must be borne in mind when we attempt to judge the Chinese of that day. The English contention, in each of the cases cited above, was that the charge should have fallen under 3° (killing by accident) or 4° (killing in self-defence); while the Chinese held that every one fell under 2° (killing in an affray, with or without intent), the penalty for which was strangulation. This was distinctly a question for decision by an impartial trial under proper legal procedure; and, as the trial would have been conducted under the law of China, the judge must have looked less to the intention of the accused, than to the actual result.

§ 36. In considering the effect of a law, however, it is not enough to regard only its theory; its administration must also be taken into account, and the way in which the provisions of its letter are modified by interpretation, and in practice. China had a serious problem to deal with. Hitherto she had had relations only with vassal states, and, except for the Japanese who raided her coasts and invaded the territory of her vassals, with trading folk who submissively accepted her decrees. Of the Western nations her opinions were formed from the semi-piratical doings of the Portuguese in the sixteenth century, and the bloodthirstiness of the Spanish and the lawlessness of the Dutch in the seventeenth; while the English were the people who had opened the ways of commerce by cannon-shot in 1637, whose first trading ship legitimately at Canton in 1689 had caused the loss of life, and who, without provocation from China, had, in 1802 and again in 1808, occupied the Chinese territory of Macao because of some petty dispute between different sects of outside barbarians. We may reasonably accept, then, as the fundamental Chinese maxim in dealing with foreigners, the phrase of one of their writers of an earlier age that—"The barbarians are like beasts, and not to be ruled on the same principles as Chinese. Were one to attempt controlling them by the great maxims of reason, it would tend to nothing but the greatest confusion. The ancient sovereigns well understood this, and accordingly ruled barbarians by misrule. Therefore to rule barbarians by misrule is the true and best way of ruling them."<sup>55</sup> The Chinese have ever had, in theory, a great

<sup>55</sup> "Barbari haud secus ac pecora, non eodem modo regendi sunt ut reguntur Sinae. Si quis vellet eos magnis sapientiae legibus instruere, nihil aliud quam

admiration for the principles of reason, and it may well be believed that they governed barbarians,<sup>56</sup> who had no understanding of "reason" on principles other than those applied to their own people.

§ 37. Another cause for the divergence between the spirit and the practice of Chinese law is found in the notorious corruption of the Chinese magistracy and judiciary. With "reason" on their lips and the keen desire for gain in their hearts,<sup>57</sup> their judgment was at the disposal of the long purse, but subject to their innate conviction that their countrymen, belonging to a civilised race, must be in the right as against those of rude and unlettered origin.

§ 38. To this corruption, too, must be added the certainty that torture would be applied to any person under trial in a Chinese court. The torture of prisoners is not directly sanctioned by the Chinese law; but in Chinese procedure, as in earlier English practice, it found its place as the result of a provision which was designed to protect a person accused of crime. In England, when compurgation was succeeded by trial by combat or by ordeal, and that in turn by trial by jury, the successive changes were regarded as innovations, and the law refused to compel the accused, against his will, to trust his fate to the new and unaccustomed form of trial; and by "standing mute" he could make his conviction impossible. The Statute of Westminster in 1275 directed that all who refused to plead should be imprisoned *en le prison forte et dure*, and in succeeding centuries this was liberally interpreted to cover *peine forte et dure*, and to justify the infliction of torture to secure that the prisoner should consent to plead. In time the practice of torture was abandoned in England, the last case being in the first half of the seventeenth century, but the theory of the law remained unchanged until a time within the period now under consideration. The procedure was not abolished until 1772,

*summam perturbationem induceret. Antiqui reges istud optime callebant, et ideo barbaros non regendo regebant. Sic autem eos non regendo regere, praeclara eos optime regendi ars est.*—Father Premare's translation of Confucian commentator, Su Tung-po, quoted in Davis, *op. cit.*, i, p. 63.

<sup>56</sup> Barbarians—*Sânshapoi*—those who did not accept Chinese civilisation, law, and letters. Cf. Williams, "Middle Kingdom," ii, p. 461; Chin. Rep., June 1842.

<sup>57</sup> Cf. chap. ii, *passim*. Law cases in China come before the executive arm of the administration, and there is no separate judiciary.

when it was enacted<sup>58</sup> that "standing mute" should be taken as equivalent to a plea of guilty; and it was only in 1827 that the humanitarian spirit of the age changed<sup>59</sup> this to the presumption of a plea of not guilty.<sup>60</sup> In China we have a

<sup>58</sup> Act 12 Geo. 3, c. 20.

<sup>59</sup> Acts 7 and 8 Geo. 4, c. 28.

<sup>60</sup> McKechnie, "Magna Carta," pp. 108, 399-400. The act 3 Edw. 1, c. 12, provided that a man accused of felony and standing mute should be put *en le prison forte et dure*; according to Barrington ("Observations on the Statutes," p. 83) this meant that the prisoner was to be starved, but not tortured. This gentle treatment was found to delay the business of assize, and, to expedite it, the *peine forte et dure*, sanctioned in another connexion by the same act, was applied from the time of Henry IV, 1399-1413 (Barrington, op. cit., p. 84). In this, the accused was stretched naked on his back, and "iron laid on him as much as he could bear and more," and so to continue, fed upon bad bread and stagnant water on alternate days, till he either pleaded or died. By pleading and subsequent conviction alone could the prisoner's goods be declared forfeited to the crown. In 1658 Major Strangeways, standing mute, was pressed to death in about ten minutes, the end being hastened by men standing on the frame on which the iron was laid. In 1726 one Burnwater, accused of murder and standing mute, was pressed for an hour and three-quarters with 4 cwt. of iron, and then consented to plead; he pleaded not guilty, but was convicted and hanged.—Stephen, "Hist. Crim. Law," i, pp. 298-299.

For a present-day illustration of ordinary oriental practice in the matter of judicial torture, the following news item comes to hand in this year of grace, 1910:

"TANGIER, July 11th.

"Sufficient time having elapsed for precautions to be taken for the security of the tortured wife of Ben Aissa, I am at liberty to give a few details of her condition on the day of her examination six weeks after the torture had been inflicted. Her right shoulder was dislocated, possibly also broken, and much swollen, causing intense pain. Her right arm was almost useless, and the hand is permanently closed. Her forearms bore unhealed wounds and healed scars, evidently caused by chains or ropes. Her legs and feet were scarred. In the opinion of those who examined her, and of doctors acquainted with Moorish methods, she suffered the following tortures: First, her right hand was sewn up in damp raw hide, which, by contracting, causes intense agony and leaves the hand crushed and useless. Secondly, she had been suspended by ropes or chains attached to her forearms and wrists in such manner as to cause the whole weight to be borne by the arms. Any jerk upon the ropes would be sufficient to cause injury to the shoulder and deep cuts in the flesh of the forearms."—The Times, July 12th, 1910.

In 1905 an Imperial decree prohibited the use of the bamboo (flogging) as a means of punishment in the courts of the empire; but in December 1909 we find the following case, one of the very few coming under foreign observation, reported in the press:

"Yesterday's Municipal Gazette will have recalled to the public mind the case of irregular arrest which has occupied the attention of the council and consuls since last August, and will in part have prepared the community for the somewhat dramatic development that took place on Wednesday afternoon. The particulars of the case may be briefly recapitulated. On August 22nd, 1909, some runners from the city magistrate's yamon entered the Settlement, and in Markham Road arrested a rice-dealer, who is also a tipao, and took him

similar theory serving as the incentive to the torture of accused persons. One accused of a criminal act is in China assumed to be guilty from the mere fact that he is accused; he is forbidden to have the aid of a lawyer; and the trial is more for the purpose of publicly establishing the charge and determining the penalty, than of ascertaining the truth.<sup>61</sup> The prisoner is supposed, however, to be protected by one safeguard. No one accused of crime can be convicted except on his own confession; he not only must plead to the charge, but in practice must plead guilty; and to allow him to "stand mute" would be held as impeding the administration of justice, in the eyes of the Chinese law during the factory days and to-day, as in former centuries it was in the eyes of English law. No prisoner, however innocent, could be allowed to defeat the purpose of the judge or the interests of justice, and it invariably happens, in a Chinese court of law, that the confession of guilt, which is a necessary condition precedent to conviction, is forthcoming.

§ 39. The most potent cause of all, however, is the responsibility to which every subject of the empire is held for anything that may occur, however remotely connected with him.

across the Soochow Creek to the native yamen in the locality. The council drew the attention of the Consular Body to this irregular arrest in a letter dated August 28th, and on September 22nd the senior consul stated that he was addressing the Taotai that day on the subject. As the Chinese authorities maintained that Ng Ah-dau had been arrested outside the Settlement limits, the senior consul's representations were of no avail. In the first week of November, however, it came to the knowledge of the council that the man had already been severely handled in the magistrate's yamen, and was being threatened with further punishment if the municipal police showed any further interest in his case. The Consular Body still pressed the matter, and on December 16th the city magistrate inflicted two thousand blows upon Ng Ah-dau, because a foreign consul was causing trouble on his behalf. This punishment was repeated two days later, and on December 31st he was ordered to receive another two thousand blows, because a formal request for his release had been received from the mixed-court magistrate. When nine hundred blows had been inflicted, however, the man's condition is stated to have been too serious for further punishment and the brutal treatment was stayed. . . . During the day Ng Ah-dau returned to the Settlement in the care of the municipal police, and an examination of his injuries established beyond contradiction the fact that he had been subjected to most brutal treatment at the hands of the city magistrate. Thus an offender, whose crime was held to be sufficient justification for the infliction of several thousand blows and his detention in prison for over four months, is liberated on security after a few minutes' hearing, when at last his case is properly heard in court; although it must not be overlooked that his liberation would not have taken place if the Consular Body had been content with less persistency in the matter."—North-China Herald, Jan. 14th, 1910.

<sup>61</sup> Jernigan "China in Law and Commerce," p. 189.

A theft is committed in a village; the village is held responsible, jointly and severally, and with the village its tipao, the official head. A commits suicide on B's doorstep; B is held responsible. The Yellow River bursts its banks; the governor of Honan begs the emperor to deprive him of his titles, since he is responsible. A son commits an offence; the father is held responsible. A bankrupt absconds; his family are held responsible in body and estate. A shopman strikes a blow and goes into hiding; his employer is held responsible for his appearance. A province is overrun by rebels; its governor is held responsible. A murder is committed in a town; the magistrate of that town is held responsible for the discovery and arrest of the murderer, for getting up the case for the prosecution, for trial and judgment, and for the execution of the guilty man; to fail in any one of these responsibilities may well lead to his being cashiered. The result is that nothing which occurs goes unpunished; if the guilty person cannot be found, convicted and punished, then the responsible person must accept the consequences—father, family, employer, village, magistrate, or viceroy. A learned commentator has characterised this in the following words: "Both in theory and practice the doctrine of responsibility is savage and cruel in the light of modern jurisprudence; but constituted as the Chinese are; and have been ever since known to authentic history, it is doubtful if the vast numbers who populate China could be held in obedience to authority by a principle less searching and merciless."<sup>62</sup>

§ 40. Now let us apply this principle to the cases we have noted. When a foreign seaman lost his life in an affray on shore, the guilty Chinese was invariably discovered and sentenced to strangulation, the penalty prescribed for the offence;<sup>63</sup> the person who suffered the penalty may not have been the one who struck the blow, but the unwritten law of responsibility was fulfilled. When Chinese life was lost at the hands, apparently, of foreign seamen, the natural impulse of the authorities was to apply the same doctrine of responsibility. English law demanded that the one who actually struck the blow should be identified; and when the English authorities, in the course of

<sup>62</sup> Jernigan, *op. cit.*, p. 76.

<sup>63</sup> Cf. cases in 1754 and 1785 (*antea*, §§ 13, 27), the only two recorded in which redress was demanded for the loss of foreigners' lives.

their duty of protecting those under them, demanded that this should be done, they found that they were speaking a language the Chinese could not understand, and that the latter applied their doctrine of responsibility. This transferred the charge to the shoulders of the supercargo or captain of the ship, as responsible for those under them; and, when they refused to accept the unaccustomed charge, to the taipan, the responsible head of that nationality, or, in the case of the English, the president of the company's select committee. The committee protested against the outrage of holding its president responsible for other than his own acts, and against the stoppage of the entire trade because of the act of one; but to the Chinese it was the only course consistent with "reason" and the due maintenance of order.

§ 41. On the other side, the Chinese authorities were themselves bound by the doctrine of responsibility. When a Chinese life was lost, the Hien was responsible to the Fu that justice and retribution should follow, the Fu to governor and viceroy, and they in turn to the emperor; nothing could absolve them from their responsibility except the express word of the emperor. The way most patent to the world of showing zeal in administering justice was to report that, for a life lost, a life was taken; and, in these cases, this was the course adopted by the Hien. He is at once coroner, police superintendent, jail warden, prosecuting attorney, judge, and sheriff; with all these functions, our common human nature would lead him to wish to bring his cases to a "successful" conclusion; and, when to this is added the impulse of the responsibility lying on him, his conduct of the cases was inevitably such as to warrant the conviction that the surrender of accused seamen was demanded for their execution, and not for an equitable trial.<sup>64</sup>

" *Respecting Homicide.*—An inquiry having been made as to whether it is the duty of commanders of vessels at Whampoa to detain in custody any of their crews who may unfortunately become implicated in a case of Chinese homicide, a conversation ensued in which it appeared to be the sense of the committee, that it belongs exclusively to the Chinese government to vindicate the authority of its own laws, by apprehending those who may be accused of violating them, and without undeniable proof of wilful murder, justly involving the extreme penalty of the law, it would be inexpedient for the commander of a vessel to detain the accused party, since it would be affording facilities to the Chinese to enforce their barbarous and unjust demand of life for life, however much palliating circumstances may have occurred to modify the nature of the crime."—"First Annual Report of the General Committee of

§ 42. To this the English could not agree. Their own law of homicide was more harsh than the Chinese, but at least they expected a fair trial for the accused. This the Chinese authorities, situated as they were, could not grant; and the divergence in the views remained one of the questions to be settled by the arbitrament of war.

the Canton Chamber of Commerce, to which are subjoined the decisions of the committee approved at a public meeting of the Chamber, on Saturday, November 4th, 1837,<sup>b</sup> in Chin. Rep., Nov. 1837.



## CHAPTER VI

### LORD NAPIER AND THE ASSERTION OF EQUALITY

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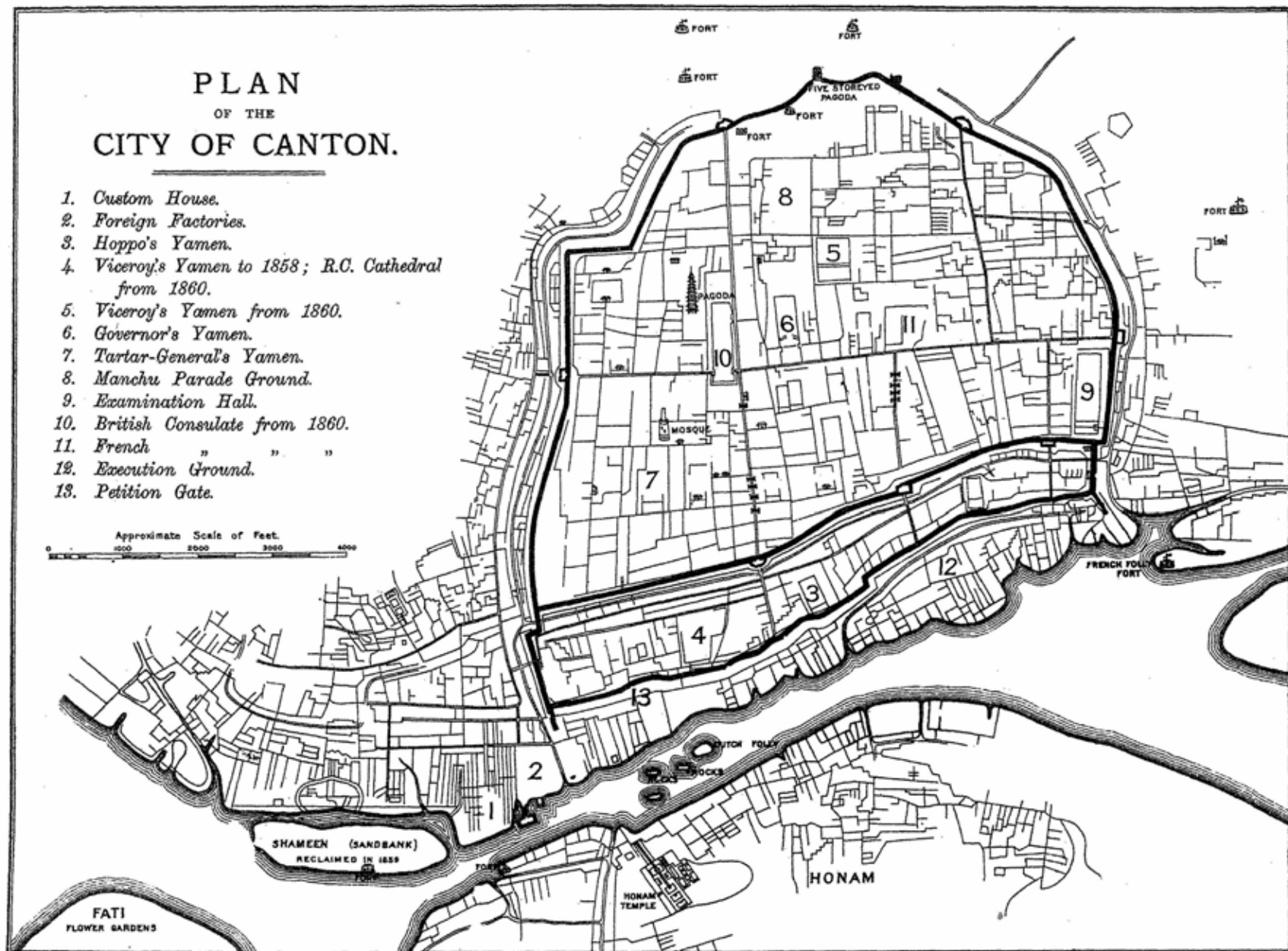
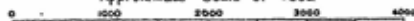
§ 1. UNDER the authority of the "Act to regulate the trade to China and India,"<sup>1</sup> by which the monopoly and control of the

<sup>1</sup> The act 3 & 4 Will. 4, c. 93.

CITY OF CANTON.

1. Custom House.
2. Foreign Factories.
3. Hoppo's Yamen.
4. Viceroy's Yamen to 1858; R.C. Cathedral  
from 1860.
5. Viceroy's Yamen from 1860.
6. Governor's Yamen.
7. Tartar-General's Yamen.
8. Manchu Parade Ground.
9. Examination Hall.
10. British Consulate from 1860.
11. French " " "
12. Execution Ground.
13. Petition Gate.

Approximate Scale of Feet.





East India Company were abolished and the English trade with China was thrown open to all, three Orders in Council were issued<sup>2</sup> to provide regulation for the future. The first, after reciting the desire of the Chinese government<sup>3</sup> that effectual provision should be "made by law for the good order of all his Majesty's subjects resorting to Canton," and declaring the expediency of giving effect to "such reasonable demands of the said Chinese government," proceeded to vest provisionally in the superintendents to be appointed under the act all the powers and authority over trade and traders which, on April 21st, 1834, should be vested in the supercargoes of the East India Company. The second established a court with criminal and admiralty jurisdiction, to be held at Canton or on board any British ship at Canton, and at its head placed the chief superintendent for the time being. The third, authorising the superintendents to levy tonnage dues at 2s. per ton and duties on imports and exports at Canton at the rate of 7s. (0.35) per cent., was rescinded by Order in Council dated March 5th, 1834.<sup>4</sup>

§ 2. On December 10th, 1833, a Royal Commission was issued appointing William John Lord Napier to be chief superintendent, William Henry Chicheley Plowden to be second superintendent, and John Francis Davis to be third superintendent, of the trade of British subjects in China, with jurisdiction limited to the Port of Canton, i.e. within the Bogue; these limits, by an instruction dated May 28th, 1836, were extended to include Macao and Lintin.<sup>5</sup> Mr. Plowden (who was president of the East India Company's select committee) had left China before the arrival of the mission, and Mr. Davis became second superintendent, and Sir George Best Robinson third superintendent, both drawn from the select committee. The superintendents, thus constituted, appointed J. H. Astell, secretary and treasurer; Robert Morrison, Chinese secretary and interpreter; Captain Charles Elliot, master attendant, to "have charge of all British ships and crews within the Boca Tigris"; T. R. Colledge, surgeon, and Alexander

<sup>2</sup> In Council held at Brighton, Dec. 9th, 1833, Additional Papers rel. China, 1840, p. 1.

<sup>3</sup> Cf. chap. iv, §. 29.

<sup>4</sup> Corr. rel. China, 1840, p. 6.

<sup>5</sup> *Ibid.*, pp. 1, 5. Cf. chap. vii, § 14.

Anderson, assistant surgeon. The Rev. G. H. Vachell, on his way from England, was to be chaplain, and Mr. Alexander R. Johnston was appointed private secretary to Lord Napier.<sup>6</sup>

§ 3. The instructions to the superintendents under the Royal Sign Manual,<sup>7</sup> dated December 31st, 1833, entered into much detail, but the spirit pervading the whole was one of conciliating the Chinese in every way. They were to take up their residence at Canton, and were to discharge their duties at Canton, or at any other place within the river and port of Canton, or at any other place hereafter appointed by their own government, and not elsewhere; they were to use their utmost efforts to "adjust by arbitration or persuasion" any disputes that British subjects might have with other British subjects, or with the Chinese, or with other foreigners;<sup>8</sup> and, if they had occasion in respect of any dispute to address a complaint or remonstrance to the Chinese officials, they were to use all moderation, and avoid using menacing language or making any appeal for protection to the British military or naval forces, unless the necessity should be most evident. They were also to avoid any conduct, language, or demeanour which should excite jealousy or distrust amongst the Chinese people or government, or irritate them, or "revolt their opinions or prejudices"; and they were to "study by all practicable methods to maintain a good and friendly understanding." They were also to bear in mind themselves, and to impress on all British subjects the "duty of conforming to the laws and usages of the Chinese empire, so long as such laws shall be administered towards [British subjects] with justice and good faith and in the same manner" as towards Chinese and other foreigners.

In his particular instructions,<sup>9</sup> dated January 25th, 1834, Lord Palmerston, the Foreign Secretary, advised Lord Napier that he should not act upon the Order in Council instituting a court of Justice, until he had given the matter his most serious consideration; and he ordered that, in conformity with Chinese

<sup>6</sup> Corr. rel. China, 1840, p. 7; Chin. Rep., July 1834.

<sup>7</sup> Corr. rel. China, 1840, p. 2.

<sup>8</sup> In this work "foreign" and "foreigner" will always indicate all of non-Chinese nationality; "European" will generally include all of European descent, i.e. will exclude Japanese, and will include American.

<sup>9</sup> Corr. rel. China, 1840, p. 4.

regulations, no British ship of war should "pass the Boca Tigris, unless an extraordinary occasion should require it to do so," the prohibition extending to the frigate which was to take Lord Napier to Canton. Lord Napier was to study the possibilities of extending British trade, and to keep in mind the desirability of entering into direct relations with the Imperial government; but he was to take no steps, and not even to make any suggestion, tending in that direction, until he had reported to the home government and received special instructions in reply—which would take the better part of a year. So far Lord Napier's instructions were such as to satisfy every Chinese objection to the transfer of the control of the English trade from a commercial company to the king's government, and they might have been drafted by the Canton viceroy. Only in one short paragraph of a dozen words did Lord Palmerston insert the fuse which was to fire the petard: "Your lordship will announce your arrival at Canton by letter to the viceroy."

§ 4. The chief superintendent was instructed that every effort was to be made to conform to all Chinese regulations and to consider all Chinese prejudices, and at the same time was forbidden to call in the aid of the armed forces of the crown; and yet he was required to adopt a course which would convert him from a mere superintendent of trade—a taipan, as the Chinese would consider it—into a royal envoy, and would break every Chinese regulation and offend every Chinese prejudice. The British Foreign Office should have had before it the history of the embassies of the seventeenth and eighteenth centuries, and must have had fresh in mind the results of the Amherst embassy, so ignominious at Peking and so disastrous at Canton; and its only excuse is that Canton was far away, and the conditions prevailing there could only be learned through the court of directors of the East India Company. The policy of the directors was to demand dividends but to frown on coercion, to demand that trade should continue without interruption but to insist on a policy of conciliation and moderation; and this policy, translated into the instructions given to Lord Napier, made a conflict inevitable.

§ 5. Lord Napier arrived at Macao on July 15th, 1834, and, having constituted the mission, proceeded in H.M.S. *Andromache* to Chuenpi, thence to Whampoa in the ship's cutter, and arrived

at Canton in the boat of a merchant ship<sup>10</sup> on the morning of the 25th. He at once wrote a letter informing the viceroy of his arrival. While the letter was being translated into Chinese, two of the Hong merchants called at the factory to communicate to him the purport of the viceroy's orders sent to themselves for transmission to Lord Napier; but they were courteously dismissed with an intimation that he would communicate immediately with the viceroy in the manner befitting his Majesty's commission and the honour of the British nation.<sup>11</sup> The letter notified to the viceroy the arrival of Lord Napier, bearing a royal commission, appointing him chief superintendent of British trade to China, and associating with him Mr. Davis and Sir George Robinson; it further stated that he was empowered to protect and promote British trade, and was invested with powers, political and judicial, to be exercised according to circumstances; and a personal interview was solicited.<sup>12</sup>

§ 6. Mr. Astell, secretary to the commission, was sent on the 26th with this letter, translated into Chinese; and as entry

<sup>10</sup> Chin. Rep., Jan. 1835.

<sup>11</sup> Corr. rel. China, 1840, p. 8.

<sup>12</sup> Ibid. p. 10. This communication is stated to have been sent in the form of a "letter" as between equals; it is also said to have been "sealed and addressed to his excellency in due form" (Chin. Rep., Aug. 1834), but there is nothing on record to show whether "sealed" indicated merely that the cover was closed to inspection, or that the chief superintendent's official seal was impressed on the "letter" thereby, in Chinese procedure, making it in effect an official despatch; but cf. chap. vii, § 8. The point is not material, since nothing but the outside cover was ever seen by any Chinese official. Omitting minor differences, the principal forms of communication in the punctilious Chinese world may be summarised as follows:

1°. Tsou, a memorial to the throne from certain ranks of officials entitled to memorialise.

2°. Shang-yü, Imperial edict, order emanating from the throne.

3°. Yü-chih (Yü of 2°) or Pi-yü (pi of 10°, yü of 2°), Imperial rescript, the answer to a memorial or the instruction given thereon.

4°. Tze-wen, communication between officials of equal rank; those exchanged between the old Tsungli Yamen and new Waiwu Pu on the one hand, and viceroys and governors on the other, are in this form.

5°. Chao-hwei, declared by the treaty of Nanking, 1842, to be the correct form of correspondence between Chinese and British high officials of equal rank; actually the form for communications between military and civil officials of equal standing (Giles, "Dictionary," s.v. 474). In China, the military, even if of equal standing, are of lower consideration.

6°. Cha-hing, a "declaration," the form of despatch from a superior to an official of lower standing.

7°. Shen-cheng, a "report" or "representation," the form of despatch from an official of some standing to one of higher authority.

8°. Shen-chen, a "statement," the form prescribed by the treaty of

within the walls of the city, in which the viceroy's yamen was situated, was forbidden to foreigners, he proceeded with it to the usual place for presenting petitions or delivering communications—the city gate. His instructions were to deliver the sealed letter, addressed in due form to the viceroy, to any official who would consent to receive it, but to “avoid any communication through the Hong merchants, which might afterwards be represented as an official [channel of] communication and a precedent on all other occasions.” He waited at the gate over three hours “treated with much indignity, not unusual on such occasions,” and during that time one official after another of minor rank arrived, and to one after the other he tendered the letter, which each in turn refused to receive; he was informed that, as it came from the superintendent of trade, the Hong merchants were the proper channel of communication, but “this obstacle appeared of minor importance in their eyes, upon ascertaining that the document was styled a *letter*, not a *petition*.” The linguists asked for a copy, which was refused. Towards the end of his waiting the Hiehtai of Canton<sup>13</sup> arrived, and to him the letter was tendered, and by him refused three several times. The senior Hong merchant, Howqua,<sup>14</sup> then asked that he and the Hiehtai might take it together, but this was refused. All the officials then went away in a body to consult the viceroy, and on their return the letter

Nanking, 1842, for despatches from consuls to the high officers of state; for over thirty years past, however, consuls have used the form of *chaohwei* (5°) in addressing viceroys and others of high rank.

9°. *Ping* (Cantonese *Pin*) in various combinations, “petition,” the form of an official communication to a superior when the difference in rank is marked; also of a communication from any person not holding fixed official rank to any person in an official position.

10°. *Pi* (as in 3°), the minute or decision endorsed on a petition (9°), which is then returned to the petitioner, either the original on red paper, or a copy on white paper.

11°. *Yü* (as in 2° and 3°), an “order” given to an unofficial person, or to an official of too low standing to receive a *cha-tze* (or *cha-hing*, 6°); also a “proclamation” (also called *Kao-shih*) addressed to the people at large.

12°. *Sin* (Pekingese *Hsin*), a letter, unsealed and unsigned, certified by the visiting-card enclosed; beginning “I beg to state” if addressed to an equal or inferior, and “I respectfully state” if addressed to a superior.

<sup>13</sup> The officer, usually designated Colonel, in command of the territorial forces in and around Canton city, but not including the Manchu garrison under the Tartar-General.

<sup>14</sup> *Qua* is the usual ending of the names by which the Hong merchants were known colloquially, given to them by virtue of the official rank which they had bought. It is the spelling of the day of the word *Kwan*, “official,” and may be translated “esquire.”



was again tendered three several times to the Hiehtai and to each of the others, and by them refused; whereupon Mr. Astell returned to the factory.<sup>15</sup> The next day, the 27th, the Hong merchants waited in a body on the superintendents, and proposed a small change in the designation of the viceroy on the cover, which was acceded to, and that "petition" should be substituted for "letter," to which Lord Napier refused to agree. On the 28th Howqua informed Lord Napier that the viceroy would not receive his communication unless it was superscribed as a petition.

§ 7. This was the action taken by Lord Napier to carry out his instructions to proceed to Canton and to "announce his arrival at Canton by letter to the viceroy," and it now becomes necessary to see what was the attitude of the Chinese and the action taken by them, in face of this novel assertion of equality. Lord Napier's arrival at Macao had been reported to the viceroy, and on July 21st he issued his orders to the Hong merchants. After informing them of the arrival of a "barbarian headman,"<sup>16</sup> he proceeded to compare his position with that of the old-time taipans, who, themselves engaged in trade, exercised control over others also engaged in trade, and who had come to Canton under permit issued by the authorities. The new headman, however, appeared not to be on exactly the same footing, and the Hong merchants were ordered to go to Macao without delay and ask for what purpose the headman had come to China, and whether, as a consequence of the abolition of the company's monopoly, he had to propose any change in the procedure and regulations under which trade was conducted; and the headman was to be informed that the laws of China must be observed, and that, with the exception of the taipans and other foreign

<sup>15</sup> Corr. rel. China, 1840, p. 8.

<sup>16</sup> Barbarian is sanctified by use, and is as adequate a rendering as any other of the Chinese word "Yi," which actually designates the uncivilised peoples, especially those to the east of China, who "squat" on the floor and do not use chairs—"squatters" in a literal sense. Headman is the translation of the Chinese "Mu," meaning "eye," but to render it thus is as reasonable as it would be to refer to the Prime Minister of England as the king's head servant, or majordomo, or the Constable of the Tower as a police officer. Mu has also the meaning of "chief" as in chief constable; and it is obvious that, in using it, an attempt was made to distinguish Lord Napier's position from that of a taipan, the chief of the traders of the nationality at Canton—in the case of the English, the President of the select-committee of the East India Company. It is, however, not a lofty designation, and "headman" is an adequate rendering.

merchants, none could be permitted to come to Canton until the matter had been referred to the government at Peking. The headman was to be permitted to remain at Macao to discharge the duties of his office; but if he wished to proceed to Canton he must inform the Hong merchants; the viceroy would at once memorialise the throne, and all parties must then wait until the emperor's will in the matter could be known.<sup>17</sup>

§ 8. The senior Hong merchants, Howqua and Mowqua, who proceeded to Macao to transmit these orders to Lord Napier, found, on their arrival, that he had already gone to Canton; and the universal and natural instinct of the Chinese official, to postpone a decision, was thereby thwarted. When he is driven to take decisive action, the official in China acts on the principle adopted by Western courts of law—*stare decisis*, follow precedent;<sup>18</sup> and this was the course followed by the viceroy on this occasion. On July 26th Lord Napier had made his attempt to have his letter delivered, and on the 27th had categorically refused to substitute the form of petition for that of letter; and on that same day the viceroy issued his orders (yü) to the Hong merchants to be by them transmitted to Lord Napier for his guidance.

§ 9. The viceroy began by referring to existing practice. The English had traded at Canton for a hundred years and more; and in that time had conformed in every respect to the regulations in force, which had been reported to the emperor and approved by him, and had thereby become the law of the empire; and only on condition of such obedience could they trade in peace. The practice had been to allow them to reside only at Macao, and, if they wished to come to Canton for purposes of trade, they could do so only under permit issued by the Canton Customs (the Hoppo); and it was expected that the Hong merchants, with the interpreters, compradors, etc., should make this clear to all concerned. Now, however, the barbarian headman, Lord Napier,<sup>19</sup> had contrary to all law

<sup>17</sup> Chin. Rep., Aug. 1834; Corr. rel. China, 1840, p. 17.

<sup>18</sup> A slur may be cast on the practice of following precedent, by characterising it as "old custom," but old custom is not unknown in government offices of more progressive nations.

<sup>19</sup> "Lut Lae-pi" (Chin. Rep., Aug. 1834). In transliterating foreign names, the Chinese shrink from dignifying them by using characters which should have a pleasing meaning, or should simulate a Chinese, i.e. a truly civilised name. Hence the occasion for Lord Napier's complaint (Corr. rel. China,

come to Canton, without waiting to receive his orders at Macao, and without a Customs permit. The Customs officers concerned would be tried for neglect of duty and punished, but consideration would be shown to Lord Napier himself, because of his presumed ignorance of the law. He would be permitted to complete his investigation into the conditions of trade, but must then be required to return to Macao forthwith, and must not again come to Canton without a permit. The viceroy then proceeded to give his view—which would be the view of every official throughout the empire—of the general principle which should guide him in dealing with foreign affairs :

“The object of the said barbarian headman in coming to Canton is for commercial business. The Celestial Empire appoints officials—civilian to rule the people, military to intimidate the wicked ; but the petty affairs of commerce are to be directed by the merchants themselves. The officials are not concerned with such matters. In the trade of the said barbarians, if there are any changes to be made in regulations, in all cases the Hong merchants are to consult together, and make a joint statement to the superintendent of customs and to my office, and they will then be informed officially whether the proposals shall be allowed or disallowed. If any new question is raised, it is requisite to wait till a respectful memorial be made, clearly reporting to the great emperor, and his mandate received. Then the matter will be gone into, and orders may be issued requiring obedience.

“The great ministers of the Celestial Empire are not permitted to have private intercourse by letter with outside barbarians. If the said barbarian headman throws in private letters, I, the Viceroy, will not at all receive or look at them. With regard to the barbarian factory of the company, without the walls of the city, it is a place of temporary residence for barbarians coming to Canton to trade. They are permitted to eat, sleep, buy, and sell in the factories. They are not permitted to go out and

1840, p. 9) that Howqua, in announcing an intended visit in the usual way by writing a note on his visiting-card, had not used the characters selected by Dr. Morrison to represent the sound of Lord Napier's name, but had used others which, if to be translated, would mean “laboriously vile”—much as if the name of the statesman Li Hung-chang were called in English “Lie (lee) hung in chains,” as an alternative to translating it “Mr. Great-Elegance Plum.” In the present case we do not know how “Napier” was represented in the Chinese, but presumably it was either nai-pi (lae-pi in Cantonese) “exhausted and vile,” or lao-pi, “laboriously vile”; “Lord” was represented by a character which in Cantonese gave the sound “lut,” but which, in the ear of the viceroy would sound “luh” or “leh,” and therefore could not have been supplied by himself, but probably originated with those who made the first report from Macao. It is not in any way a rendering of “earl” or “nobleman,” and for a fair comparison we must suppose that the English noun “grave,” as a rendering of the German “graf” had no other meaning in ordinary usage than that which is dug by the sexton. This Chinese practice is not, perhaps, a direct insult (Howqua was soliciting an interview when he used the inauspicious characters), but it illustrates the national tendency to belittle the foreigner and to treat him as outside the pale of civilisation.

ramble about. All these are points decided by fixed and certain laws and statutes, which will not bear to be confusedly transgressed.

"To sum up the whole matter: the nation has its laws; it is so everywhere. Even England has its laws: how much more the Celestial Empire! How flaming bright are its great laws and ordinances! More terrible than the awful thunderbolt! Under this whole bright heaven none dares to disobey them. Under its shelter are the four seas. Subject to its soothing care are ten thousand kingdoms. The said barbarian headman, having come over the sea several myriads of miles in extent to examine and have superintendence of affairs, must be a man thoroughly acquainted with the principles of high dignity; and in his person he sustains the duties of an official, a headman, otherwise he could not control and restrain the barbarian merchants."

The viceroy finally informed the Hong merchants that they and the interpreters would be held strictly responsible that Lord Napier should fully understand and should conform to those orders; they had been in close touch with foreigners for many years, and understood their ways, and, if they failed in their task, the merchants would be severely dealt with, and the interpreters would be in peril of their lives.<sup>20</sup>

§ 10. Having sent those orders to the Hong merchants, the viceroy, three days later, on July 30th, again took up the matter, and sent new and more stringent orders. He pointed out that taipans and merchants had always taken a permit to come to Canton, under "rules and regulations settled by Imperial rescript," but that this was the first instance of a headman coming. As his arrival raised a new question, it was imperative that he should remain at Macao until the matter had been referred to Peking, and the emperor's will ascertained. The headman was to be absolved from blame, since he was "unaware of the necessity of conforming to the laws of the Celestial Empire"; but the Hong merchants must be held strictly to account, since they had always been "held responsible for ascertaining the real facts and for exercising control and restraint" in all matters connected with foreigners. They were

<sup>20</sup> Corr. rel. China, 1840, p. 18; Chin. Rep., Aug. 1834. The text of these several documents came into English hands only on August 11th, after the death of Dr. Morrison. The translations made by his successor are very literal, and therefore do not fairly represent the original in feeling, as will be seen by any one who translates idiomatic French verbatim into English. Chinese state papers assume a lofty tone, even in the present day, and are bombastic in their language; but their meaning is falsified and obscured by a too literal adherence to the oriental tone of the original. The present editor feels that he can reconstruct the original to some extent, and he has occasionally substituted phrases expressing the identical thought in more current English.

therefore to make full inquiry into the facts of the present case and to report. At the same time, "let them command the barbarian headman to depart immediately and leave Canton; he must not loiter about and remain in the foreign factories in the suburbs of the city. If he have affairs requiring his immediate supervision, let him temporarily reside at Macao, waiting until a memorial shall be sent requesting to know the Imperial will, that it may be obeyed. Should he dare to resist or oppose, it will be owing to the weakness and connivance of the Hong merchants, little careful of the national dignity."<sup>21</sup>

The next day, July 31st, the viceroy returned to the charge with a new order to the Hong merchants, informing them that the Hoppo had preferred a formal charge against them for having permitted the unauthorised coming of Lord Napier to Canton, and had asked how, if such things could be done, the precautions taken against foreigners could be enforced; and the viceroy repeated, in more stringent terms, the orders he had given them the day before.<sup>22</sup>

§ 11. On August 1st the superintendents suffered a serious loss by the death of their interpreter, Dr. Robert Morrison, premier protestant missionary to China, and a profound sinologue;<sup>23</sup> he was succeeded, but not replaced, by his son, John Robert Morrison.

<sup>21</sup> Corr. rel. China, 1840, p. 19; Chin. Rep., Aug. 1834.

<sup>22</sup> Corr. rel. China, 1840, p. 20; Chin. Rep., Aug. 1834.

<sup>23</sup> It seems fitting to record here an epitaph to Dr. Morrison, written by a resident of Canton, and printed in the Chinese Repository, Aug. 1834:

M.S.  
ROBERTI MORRISON, D.D.  
VIRI  
ACERRIMO AD MAGNOS LABORES SUBEUNDOS  
INGENIO PRAEDITI  
QUI LINGUAE SINICAE THESAURUM,  
INGENS OPUS,  
DECEM POST ANNOS COMPLEVIT,  
MORIENSQUE RELIQUIT,  
PATRONI HONOREM, PATRIAE DECUS,  
GENTI HUMANAE LUCRUM,  
VERSIONEM NECNON SANCTORUM SCRIPTORUM,  
ADJUVANTE GULIELMO MILNE, D.D.  
IN USUM SINENSIVM PERFECIT.  
ANNOS CIRCAITER LII VIXIT. — MORTEM OBIIT  
DIE PRIMO MENSIS AUGUSTI,  
A.D. MDCCCXXXIV.  
HAE TIBI ERUNT LAUDES. SINAE PATEFACTA BRITANNIS  
LINGUAQUE, MENSQUE SIMUL — VITA SACRATA DEO.

§ 12. On August 8th Howqua and Mowqua paid a visit to the superintendents, "the pretended object of which was to endeavour to persuade me to return to Macao, as being the more agreeable residence during the hot weather."<sup>24</sup> The Hong merchants were between the devil and the deep sea. The orders of the government had invariably been transmitted through them, certainly for fifty years past; to them the government had looked to secure compliance with all orders, and obedience to all regulations; and on them was thrown the responsibility for everything that occurred in connexion with the foreigners, their trade, their ships, and the crews of the ships. But for an exceptional and rare act of courtesy, or as the result of an equally exceptional and rare protest, this screen between the officials and the outlanders had never been thrown down; and hitherto the agency of these intermediaries, sometimes with, but more commonly without, the final step of stopping the trade, had uniformly been effective in keeping the foreign traders under due control and restraint. Now, however, they had to deal with one who was not a trader, and who absolutely refused to accept them as the channel of communication with the higher Chinese authorities; and the only reason quoted as given by them for returning to Macao—that it was a more agreeable residence during the hot weather—bears testimony to the fact that they did not venture to press on Lord Napier the arguments which they would have used in talking with merchants. He would have closed the interview at once.

§ 13. Meantime, on August 4th, the Hong merchants received an order from the Hoppo, in which he embodied a communication from the viceroy, re-enacting the more vital of the existing regulations for the control of foreign trade, and directing a more vigorous enforcement. In substance these were as follows:

1°. Heretofore barbarian headmen<sup>25</sup> and ship masters have been permitted to pass in ships' boats flying the flag, without examination or detention; but, for sending letters, only native sampans<sup>26</sup> have been allowed. Henceforward all boats are to stop at customs stations to be searched for arms and contraband goods.

<sup>24</sup> Lord Napier to Lord Palmerston, Corr. rel. China, 1840, p. 9.

<sup>25</sup> This word is now used for the first time when not referring directly to Lord Napier.

<sup>26</sup> Small row-boats, with one or more sculls or oars.

2°. The barbarian merchants at Canton are not permitted to bring up musketry or cannon. Hitherto the customs officers have been held responsible for making search and examination, and the military for inquiring and investigating; and if they should fall in with a barbarian clandestinely moving guns or military weapons, with the intention of bringing them to Canton, they are required to unite their utmost efforts to prevent and stop him, and must not suffer him to proceed. Should the military fail to make discovery, or go to the extreme of knowingly conniving, so as to allow of a barbarian clandestinely bringing guns and cannon to the city, whether officers or privates, they shall be brought up immediately to trial and punishment.

3°. The barbarians are not permitted to bring foreign women clandestinely up to Canton; if they dare wilfully to oppose, their traffic shall be immediately stopped, and the women will be sent back by force to Macao. At the same time, the examining military patrols attached to the custom-houses are made responsible, if they should find barbarians bringing foreign women to the city, immediately to stop them, send them back, and give notice to the forts not to allow them to pass inwards.<sup>27</sup>

4°. When the barbarian merchants are lodging in the factories of the Hong merchants, the latter are to be held responsible for keeping up a diligent control and restraint upon them, not allowing them to go out and in at their own pleasure; lest they should have intercourse or clandestine arrangements with traitorous natives.

5°. When the barbarians wish to petition on any affair, if the affair be not of importance, they should deliver their petition to the security merchant to present for them; the barbarians are not permitted to presume to go to the city gate and present petitions themselves. On all the ordinary affairs of trade, their petitions should be presented at the Hoppo's office.

A relaxation from the strictness of the personal restraint imposed on foreigners, which had been granted by a former viceroy in the 21st year of Kiaking (1816), was also re-enacted:

Seeing that the barbarians are closely confined to the barbarian factories, it is apprehended that sickness and disease may arise among them; they are therefore permitted, as formerly, to go to the Hai-chwangze (Honam temple) and to the Flower-gardens [Fati] to saunter about and obtain relaxation. Each month they are permitted to go but thrice, viz. on the 8th, 18th, and 28th days; the number of individuals in one party must not exceed ten. The linguists accompanying them are required to report in passing at the custom-houses on the river side of the factories and at the West Fort; and they are required to be at the custom-houses again by sunset and report their return to the factories. They are not allowed to drink wine and create disturbance, nor to remain out over night. Besides they are not allowed to saunter about at pleasure in the villages and market-places near the city; in this way the causes of disturbances will be avoided.<sup>28</sup>

These were all existing regulations, but their recital in a special order caused no small sensation among the Chinese con-

<sup>27</sup> Lord Napier's family was at Macao.

<sup>28</sup> Chin. Rep., Aug. 1834.

nected with the foreign factories. Within the next few days the crews of the native sampans attached to the factories all absconded, and many of the office staff disappeared, fleeing from the wrath to come, of which they were more fully cognisant than their employers.

§ 14. On August 10th the Hong merchants invited the British merchants to attend a meeting at their gild-house on the 11th, to consider the situation. Lord Napier at once called a meeting at an earlier hour, at which he and Mr. Davis spoke in deprecation of any such action; and the British merchants unanimously decided not to attend the proposed conference—thereby deciding that they would adopt no policy and take no action independently of the chief superintendent.<sup>29</sup> The Hong merchants, having failed to obtain a conference, then, on the 11th, sent to the senior British merchants (two English,<sup>30</sup> Mr. William Jardine and Mr. Lancelot Dent, and one Parsee, Mr. Framjee) copies of the orders which they had received from the viceroy and Hoppo, and which have been summarised above.

§ 15. To save themselves, the Hong merchants of their own volition decided, on August 16th, to adopt the procedure known as “the cessation of business,” and resolved to “put a stop to the shipping off cargoes on British account”;<sup>31</sup> at first Lord Napier was advised that they had acted under the viceroy’s verbal order,<sup>32</sup> but on August 27th he reported that this course had been adopted “contrary to the private wish of the viceroy.”<sup>33</sup> This appears actually to have been a case of intelligent anticipation, for on August 18th came another order from the Viceroy to the Hong merchants, duly communicated to the British merchants. After reviewing the facts of the case, as they appeared from his point of view, and reciting again his causes of complaint against the headman, the viceroy stated that it was not just that the business of many should be injured for the fault of one; though he pointed out that

<sup>29</sup> Corr. rel. China, 1840, p. 11.

<sup>30</sup> Mr. Jardine was from Scotland, but there seems no other word than English to distinguish a merchant or commodity of the United Kingdom from those of India or other parts of the British Dominions. The word is therefore used in this history in that sense, with all necessary apology, following the usage of the French, German, Dutch, Italian, Spanish and other languages.

<sup>31</sup> Corr. rel. China, 1840, p. 15.

<sup>32</sup> Ibid., p. 22.

<sup>33</sup> Ibid., p. 29.



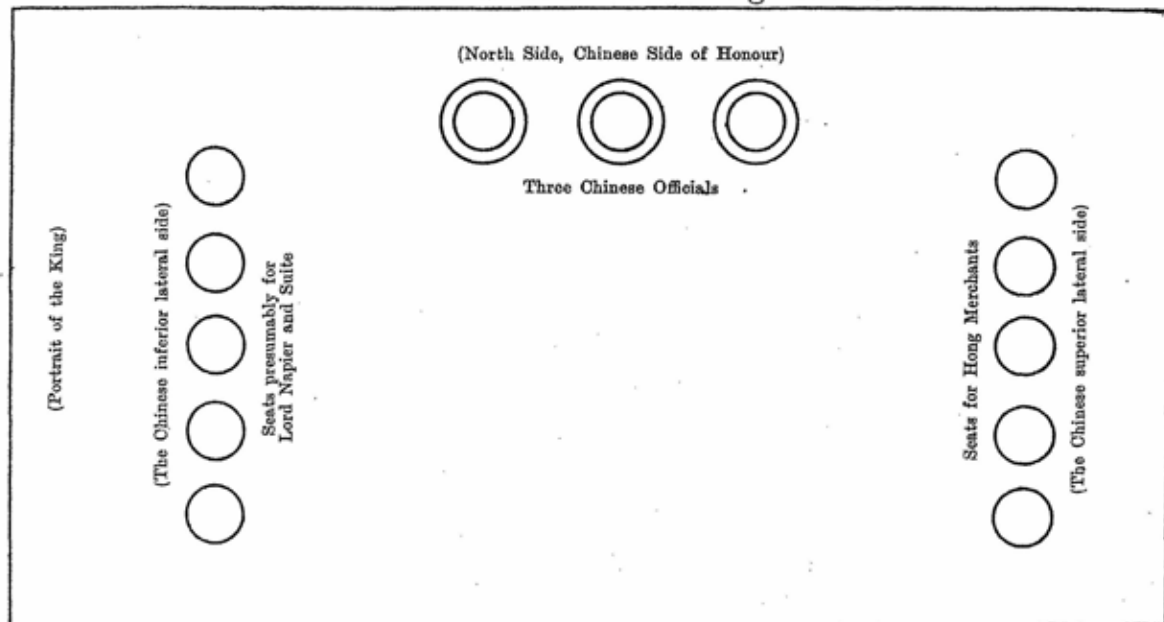
broadcloth and camlets were of no importance to China, while "the tea, the rhubarb, the silk of the inner dominions are the sources by which the said nation's people [the English] live and maintain life."<sup>34</sup> Lord Napier was therefore to be urged to reconsider his course; but "if he still maintain his obstinacy unchanged, it will be obvious that the barbarian headman does not wish his nation to have an open market; the trade shall immediately be stopped and commerce eternally cut off."<sup>35</sup>

§ 16. Lord Napier had buoyed himself by hopes that, ultimately, the viceroy would be driven to open direct communication, as the only means of ascertaining the object of his mission, and was as firmly convinced that trade was necessary to the Chinese, as the Chinese were that it was essential to the English. On August 18th he had urged Mowqua to advise the viceroy to send an official to conduct him to a personal interview, but this proposal was negatived. When, on the 22nd, he was informed that the next day he would receive a visit from three officials, he was correspondingly cheered, and thought he saw the end in sight; but the conference only demonstrated more clearly that the two parties were not on common ground, and that there was no possibility of bringing them in accord. The three officials were the Canton Prefect (Kwangchow-fu), the Chaochow Prefect (Chaochow-fu) and the Canton Hiehtai. The meeting was preceded by an episode so fully characteristic of the whole situation that it has been thought well to illustrate it by a diagram. The Chinese first (in the reception-room of the English factory) arranged the chairs for the conference in such a way as to give the places of honour, on the north side, solely to the three Chinese officials; the Hong merchants were to sit on the east, the superior lateral side; and the English commission, including Lord Napier, were to be on the west, not only on the inferior lateral side, but with their backs

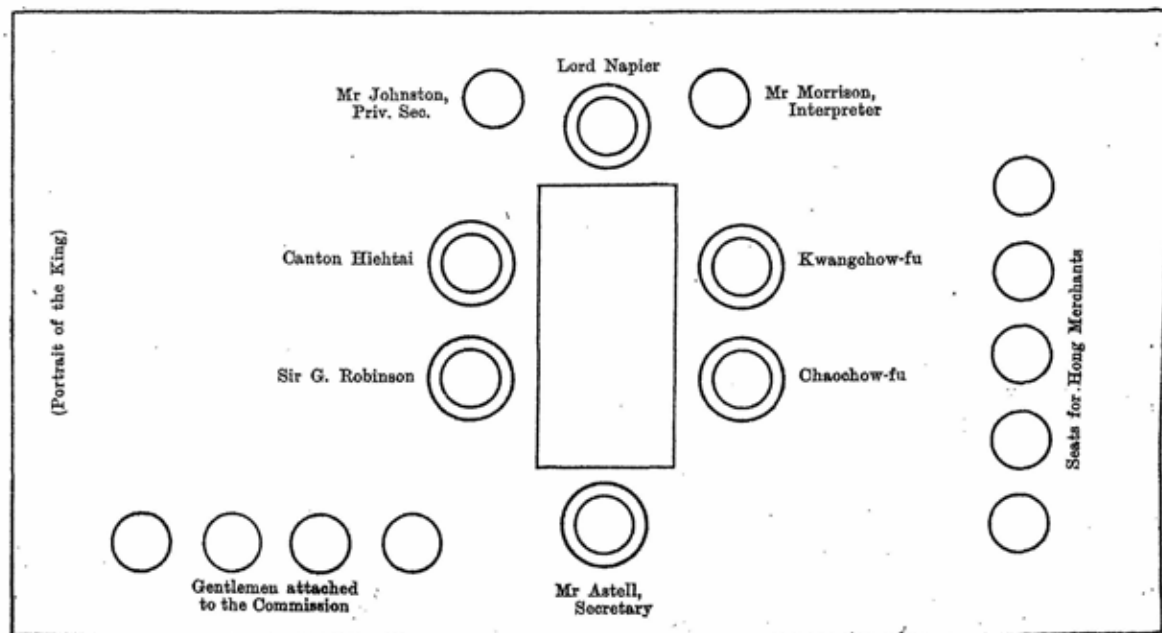
<sup>34</sup> The idea was persistent in the Chinese mind that tea and rhubarb, supplied, tea only, and rhubarb mainly, by China, were essential to the West. In a Chinese disquisition on foreign trade of a later date, we find the following: "The foreigners from the West are naturally fond of milk and cream; indulgence in these luxuries induces costiveness, when there is nothing but rhubarb and tea will clear their system and restore their spirits; if once deprived of these articles they are immediately laid up with sickness. . . . If we cut off the trade of the barbarians, turbulence and disorder will ensue in their own countries; and this is the first reason why they must have our goods."—*North-China Herald*, March 15th, 1851. Cf. chap. ix, § 4.

<sup>35</sup> *Corr. rel. China*, 1840, p. 23; *Chin. Rep.*, Sept. 1834.

# The Conference of 23rd August 1834



ARRANGEMENT BY LINGUISTS



RE-ARRANGEMENT BY LORD NAPIER



to the portrait of their own sovereign. Lord Napier rearranged the sitting. He introduced a table, placed himself in the position of receiving host, gave the three foremost guests' places to the Chinese officials, and the fourth to his colleague on the commission, and placed the secretary, Mr. Astell, at the foot of the table; the Hong merchants were left unchanged, and the "gentlemen attached to the commission" were left on the inferior lateral side, but so placed that they did not turn their backs on the king's portrait. Lord Napier's interpreter and his private secretary were placed next to himself, but withdrawn. As viewed now, or at any time during the intervening seventy-five years, Lord Napier's was the only possible or rational arrangement; but then it was too great an assertion of equality, and the Hong merchants spent two hours trying to persuade him to restore the original arrangement. The officials came two hours late, having waited for the battle of the chairs to be won or lost, and were severely reprimanded<sup>35</sup> for not having arrived at the time appointed, their delay being characterised as an "insult to His Britannic Majesty." The officials stated that they were ordered by the viceroy to inquire, 1°, the cause of his coming to Canton, 2°, the nature of the business he was instructed to perform, and 3°, when he would return to Macao. In reply to the first question, Lord Napier referred them to the viceroy's order to the Hong merchants in 1831 to enjoin on the President of the East India Company's select committee that he was to urge his directors, in case the company were dissolved, that a competent chief should be appointed to come to Canton for the management of commercial matters;<sup>36</sup> and he produced for their inspection his commission as Chief Superintendent of British Trade. His reply to the second question would, he said, be found in his letter to the viceroy, which they could open and read if they wished, on condition of agreeing to deliver it. On the third head he informed them that he would consult his own convenience in returning to Macao. The conference ended with this, except for the usual courtesies; and the next day the Canton Prefect was removed from office.<sup>38</sup>

<sup>35</sup> No other word fits Lord Napier's own account of the occurrence.—Lord Napier to Lord Palmerston, *Corr. rel. China*, 1840, p. 30.

<sup>36</sup> Cf. chap. iv, § 29.

<sup>38</sup> *Corr. rel. China*, 1840, p. 29.

One opportunity had been lost when Mr. Astell, on July 26th, refused to allow Howqua and the Hiehtai together to take the letter, insisting that the Hiehtai alone should take it; and now Lord Napier lost another when, in full assurance that he was on the way to victory, he publicly reprimanded the officials who came to see him on behalf of the viceroy, and so caused both the viceroy and his representatives to "lose face."

§ 17. On August 25th the British merchants formally organised a Chamber of Commerce to ensure unity in their action; and on the 26th Lord Napier issued, lithographed in Chinese, a public notification giving his view of the existing condition of affairs.

§ 18. Orders from the viceroy now came thick and fast: on August 27th ordering the Hong merchants to admonish Lord Napier to obey the laws; on the 30th reprimanding them for having permitted Lord Napier to come to Canton; on the 31st repeating his reprimands, and ordering them to require Lord Napier's immediate return to Macao; and on September 2nd a proclamation ordering the stoppage of British trade. In this proclamation the viceroy and governor jointly enumerated once more all the complaints against Lord Napier's conduct, and referred to his "stupidity and obstinacy" in the raciest terms of oriental hyperbole, making him and all outland barbarians as dust beneath the feet of the responsible officials of the Great Emperor. After excepting contracts for cargo settled before August 16th, the date on which the Hong merchants "ceased from business," the order directed that "all buying and selling with the English nation be wholly stopped," and ordered that all compradors, interpreters, and hired servants be withdrawn from the foreign factories. In a final clause, summarising the whole, it was ordered that—

"From the date of this proclamation, mercantile people of this Inner Land are not permitted to buy of or sell to the English nation any goods or things whatever, large or small; and all manner of employes, workmen, boatmen, etc., are also not allowed to receive hire or employ of the said barbarians. Should there be any clandestinely having or receiving hire, let the local officers immediately examine and seize them, to be punished according to the law against holding clandestine intercourse with foreign nations. In this the said barbarian headman, Lord Napier, has cut himself off from the Celestial Empire, against the wishes of us,

the viceroy and governor. The barbarian merchants of all other nations are still permitted to trade as usual. They need have no suspicion or anxiety."<sup>39</sup>

§ 19. On the issue of this proclamation, actually published on the 4th, much agitation was manifest in Canton. Soldiers were sent to the factories to see to its enforcement; servants and porters were all withdrawn from the English factory—a serious deprivation during the height of summer in the latitude of Canton; all natives were forbidden on pain of death to sell provisions to the British; and other foreigners were warned not to furnish supplies on penalty of suffering the like restrictions themselves.<sup>40</sup>

§ 20. On August 28th Lord Napier reported<sup>41</sup> that the Hong merchants had requested him to receive certain officials on the 30th, but had asked that the Chinese arrangement of the chairs be adopted; they returned on the 29th to argue the same point again, and on both occasions the proposal was negatived; there is no record that this conference was held. On September 2nd and 3rd, before the issue of the proclamation of that date, the Hong merchants consulted with Mr. Jardine and came to a compromise on the following terms:

1°. The viceroy, on receipt of a petition from the British merchants, to issue orders for opening the trade.

2°. Lord Napier to return to Macao quietly four or five days thereafter.

3°. No boastful proclamation to be issued on Lord Napier's departure, and none prohibiting his return.

4°. Lord Napier to be free to come again to Canton quietly and for a short stay, the authorities shutting their eyes.<sup>42</sup>

§ 21. The viceroy was inclined to agree to this proposal, but was dissuaded by the governor and other high officials, and the trade was stopped. Lord Napier then, on September 5th, ordered up the frigates *Imogene* and *Andromache*, which forced the passage of the Bogue, under fire, on the 7th and 9th, and arrived at Whampoa on the 11th; a small guard of marines reached the factories on the 6th. On the 8th, Lord Napier issued a manifesto, in the shape of a letter addressed to the secretary of the British Chamber of Commerce, combating all

<sup>39</sup> Chin. Rep., Sept. 1834.

<sup>40</sup> Ibid.

<sup>41</sup> Corr. rel. China, 1840, p. 32. Lord Napier's last communication to the Foreign Office.

<sup>42</sup> Corr. rel. China, 1840, p. 71.

the charges and complaints made against him by the viceroy and governor in their proclamation of the 2nd, warning them that they had "opened the preliminaries of war," threatening to carry his complaint of "the false and treacherous conduct" of the viceroy direct to the throne of the emperor at Peking, and asserting the sovereignty and power of his own sovereign.<sup>43</sup> The viceroy replied on the 11th, in an order to the Hong merchants, maintaining that, while the English might, if they wished, substitute a headman for a taipan, still it was open to the Chinese to continue on their side the rule by which all communications must pass through the Hong merchants; asserting that, except some visits of ceremony and courtesy, and occasions of tribute-bearing embassies, there never had been direct relations between the officials of the empire and foreigners; complaining that the British government had sent no official intimation of Lord Napier's appointment, nor had he any credentials, and that the latter raised entirely new questions without giving the viceroy time to refer to Peking; charging the chief superintendent with breach of the laws of the empire (and we to-day should add, of the law of nations) in introducing arms and armed forces into the factories, and in firing on the forts and forcing a passage into the river; and warning the English of the possibility of overwhelming them by the thousands of troops at his disposal.<sup>44</sup>

§ 22. Matters were in a critical state. The English factory had been surrounded by troops on September 4th, and many armed boats, "on which chains and iron manacles were displayed," were moored on the river in front; all servants had been ordered away and fresh provisions were unobtainable, while the carriage of water from the river was done under difficulty; the British merchants were in grave danger of their lives from the threats which had been made; and all communication, even with Whampoa and the frigates there, was entirely cut off.<sup>45</sup> Neither side showed any sign of giving way.

<sup>43</sup> Corr. rel. China, 1840, p. 35; Chin. Rep., Oct. 1834.

<sup>44</sup> Corr. rel. China, 1840, p. 37; Chin. Rep., Oct. 1834.

<sup>45</sup> Minute of Sept. 27th, 1834, by Sir G. B. Robinson, in Paper rel. China, pres. H. of C., April 3rd, 1840. Lord Napier, sick as he was, was left single-handed; Mr. Davis had gone to Macao prior to August 23rd, and no ingress was possible in September; and Sir G. Robinson volunteered on September 4th to take the orders to the frigates, as the only means of certainly getting them through.

The viceroy applied his pressure direct on the Chinese connected with foreign trade: they always had been responsible for every event, and were held responsible now. In August the security merchant, linguist, and pilot of the ship in whose boat it was alleged that Lord Napier had come from Whampoa to Canton, were thrown into prison, with all the suffering and loss invariably accompanying imprisonment in China;<sup>46</sup> they knew nothing, and could have known nothing, of Lord Napier's coming, but they could not evade the general Chinese doctrine, and the special Canton rule, of responsibility.

§ 23. Lord Napier had been ailing from the very beginning of September, and on the 9th had a sharp attack of malarial fever. He was able to attend to the duties of his office, and for some days supervised the negotiations, in which the Chinese were very eager, to secure the departure of the frigates from Whampoa; and on the 14th he informed the British merchants that, as the opening of the trade depended on his returning to Macao, and as the difference between him and the viceroy was of a personal nature, not connected with the operation of commerce, he was willing to leave Canton, and that the frigates would leave at the same time.<sup>47</sup> On September 18th, owing to Lord Napier's continued illness, his surgeon, Dr. T. R. Colledge, assumed charge of the negotiations; and it was arranged without further delay that the frigates should proceed to Lintin, "on condition that H.M. ships do not submit to any ostentatious display on the part of the Chinese government," and that Lord Napier and suite should receive a permit to proceed to Macao.<sup>48</sup> The frigates were ordered away by a letter from Lord Napier on the 21st, and on that day he and his party took boat at Canton; they proceeded "slowly and tediously," with

<sup>46</sup> The security merchant, Hingtai, was released on January 21st, 1835. "The price which he finally paid for his freedom, we know only from uncertain rumour; that rumour makes it a sum worthy the consideration of the high Imperial officers. All this suffering and loss have befallen him, because Lord Napier came up from Whampoa in the boat of a ship for which Hingtai was security—an act entirely unknown to the unfortunate Hong merchant, and equally beyond his power of prevention had he been apprised of it."—*Chin. Rep.*, Jan. 1835. The linguist and pilot were, it was generally understood, sentenced to transportation to the cold frontier.—*Chin. Rep.*, April, 1835.

<sup>47</sup> *Chin. Rep.*, Nov. 1834; select committee to Directors, E.I.C., Sept. 29th, 1834.

<sup>48</sup> T. R. Colledge, notes in *Chin. Rep.*, Oct. 1834.



much annoyance and many delays, under a convoy of eight armed boats, and reached Macao on September 26th; and there Lord Napier died on October 11th.<sup>49</sup> The surgeons attending him considered "the origin of his complaint to be wholly attributed to the severe labour and anxiety which devolved upon him while at Canton"; and that owing to "the cruel, needless and vexatious detention," and the constant noise and worry from the escort, he suffered a relapse of the fever on the way and arrived at Macao much exhausted.<sup>50</sup> The embargo on trade was removed September 29th.<sup>51</sup>

§ 24. It is easy for us, in the twentieth century, to distribute the blame for the situation thus developed, but it is more difficult to put ourselves in the place of the men of 1834, and decide what, in reason, ought to have been done. Even when we have done this, our judgment must depend upon the answers which would then have been given to certain questions which underlay the whole matter. To what extent had any nation the right to insist on liberty to trade with another?<sup>52</sup> In what degree was the second free to impose its own restrictions on a trade so conducted? Could the restrictions go to the extent almost of prohibition? How far were the persons of the foreign traders to be respected by a nation which objected to the foreign trade, or imposed such restrictions as to render the trade impossible? And could a nation which had never received envoys, except as tribute bearers, be required to accord them diplomatic rights as to equals? A further difficulty is found in the fact that the teaching of world history was available for the guidance of the men of the West, and was a closed book to the rulers of the Celestial Empire, who knew of no world outside their own dominion with its fringe of vassal

<sup>49</sup> Chin. Rep., Oct. 1834.

<sup>50</sup> Statement by Dr. T. R. Colledge and Dr. Alexander Anderson to the editor of the Canton Register, Oct. 20th, in Chin. Rep., Oct. 1834.

<sup>51</sup> Corr. rel. China, 1840, p. 43.

<sup>52</sup> The opinion of Vattel (Bk. ii, chap. ii, § 21), then the leading authority on international law, was as follows: "Men are, therefore, under an obligation to carry on that commerce with each other, if they wish not to depart from the views of nature; and this obligation extends also to whole nations or states. . . . If trade and barter take place, every nation, on the certainty of procuring what it wants, will employ its land and its industry in the most advantageous manner, and mankind in general prove gainers by it. Such are the foundations of the general obligation incumbent on nations, reciprocally to cultivate commerce."

states. As corollary to this, the question arises, To what extent could Europe require China to accept the international canons accepted by the West? The answers to these questions will depend upon whether they are subjects to be debated in a school of philosophy, or practical questions such as come up for the decision of governments.

§ 25. The faults of the British government are obvious. They had received, in 1831, the injunction, or request, to appoint a chief to "come to Canton for the general management of the commercial dealings."<sup>53</sup> This the government had interpreted into "the desire of that government that effectual provision should be made by law for the good order of all his Majesty's subjects resorting to China, and for the maintenance of peace and due subordination amongst them."<sup>54</sup> In giving effect to this, they had created a court of judicature, but with special instructions that the court was not to be set up "until you have taken the whole subject into your most serious consideration."<sup>55</sup> Apart from this, the British government seemed to act precisely in the spirit in which the Chinese authorities claimed that it was their intention to request them to act. They commissioned no ambassador or envoy-extraordinary to settle any differences which had arisen and to establish regulations for the conduct of trade. They appointed a body of three superintendents of British trade, of whom the chief, *primus inter pares*, was Lord Napier, and the second and third were members of the East India Company's select committee then at Canton; and this body they armed with the powers which had been in the hands of the select committee, and no others; while the special instructions given were, in effect, such as had year after year been sent by the company's directors to their agents in Canton. Two recent royal ambassadors had failed to accomplish any result, and the company had received constant reports of obstructions and restrictions imposed by the Chinese; yet the government now, apparently, expected to

<sup>53</sup> Auber, "China: an Outline," p. 335. "Chief" is the word transmitted by the select committee at Canton to the directors of the East India Company, and by them passed on to the government; there is no record to show what was the word used by the Chinese, but "taipan" is the word quoted in the viceroy's memorial to the emperor of Sept. 8th, 1834.

<sup>54</sup> Additional Papers rel. China, 1840, p. 1.

<sup>55</sup> Lord Palmerston to Lord Napier, Corr. rel. China, 1840, p. 5.

succeed on lines on which the company's agents had failed. They directed Lord Napier to do nothing to offend the Chinese, oblivious of the evident fact that what could benefit British trade must offend the Chinese, and forbade him to take any initiative or to call in armed force; they gave him no credentials to produce to the Chinese sovereign or his officials; and they did not notify his appointment to the authorities either at Peking or at Canton, though, before he left England, Lord Napier asked that this should be done. Nor can the policy of conciliation be attributed solely to the lightheartedness which we associate with the name of Lord Palmerston, but it must be taken as the settled policy of the government, whether Whig or Tory. On February 2nd, 1835, when the Foreign Office had received Lord Napier's despatches to August 21st, by which time the issue was clearly drawn, the Duke of Wellington, Foreign Secretary, wrote drawing Lord Napier's particular attention to the two paragraphs in his instructions under the Sign Manual directing him to be conciliatory, forbidding menacing language or an appeal to force, and enjoining on him to conform to the laws and usages of the Chinese empire; and the Duke closed with these words: "It is not by force and violence that his Majesty intends to establish a commercial intercourse between his subjects and China, but by the other conciliatory measures so strongly inculcated in all the instructions which you have received."<sup>56</sup> We can see now, and the English merchants in Canton and the merchants and manufacturers in the United Kingdom could see then, that the international relations at Canton required a radical change, that this change could be effected only by a new departure, and that, under the free trade which followed on the abolition of the East India Company's monopoly, this must end in friction. The British government alone, while necessarily and rightly directing that a conciliatory policy be adopted, could not see that the only probable result was that which attended Lord Amherst's embassy in 1816, and made no provision, and allowed their representative to make no provision, for the possibility of a different result. To act thus was either an abnegation of the functions of government, or, notwithstanding the Duke of Wellington's injunction, it implied that the conduct of affairs

<sup>56</sup> *Corr. rel. China, 1840, p. 26.*

at such a distance, and on so unknown a field, was to be left to the discretion of their selected agent.

§ 26. Lord Napier assumed one thing which he was not entitled to assume. He had been commissioned Chief Superintendent of Trade; and, a nobleman, one of his Majesty's household, and a captain in the Royal Navy, he acted on the assumption that one of his condition could have been selected only as envoy of his sovereign, though this was not covered by his commission or his instructions. Apart from this, his "course was marked by great moderation, decision, and frankness."<sup>57</sup> He proceeded to Canton, "and not elsewhere," as instructed, and, as instructed, attempted to communicate with the viceroy by letter—on terms of equality. Had the viceroy consented to receive this letter, Lord Napier would have been in an awkward position; he was not in a position to respond to the demand which must then have been made, that he should produce his credentials. It would have taken ten months or more for him to receive an answer to any request, which he might then have made, for further instructions; and, as events showed, his government was not prepared to deal with the situation thus, apparently, sprung on it. An envoy had, in those days, no telegraph at his disposal, nor even steam communication to carry his mails, and it was expected that he should himself decide on the measures required for any changes in the problem confronting him; and Lord Napier, passing through the alembic of his own mind the advice given him by his experienced colleagues, adopted the only course possible in each of the steps he took. As early as August 14th he pointed out that negotiation, besides being forbidden by his instructions, could only lead to delay, and so would defeat their object; that the strength of the Chinese government was not proportional to its pretensions; and that the application of pressure by a very moderate force would accomplish more than diplomacy. He foreshadowed his probable return to Macao, and declared:

<sup>57</sup> Chin. Rep. Aug. 1834. The founder and editor of the Chinese Repository was Elijah Coleman Bridgman, D.D., the first American missionary to China (1829) and first president of the North-China Branch of the Royal Asiatic Society, organised at Shanghai in 1857. His editorial opinion on the events of the years 1834 to 1842 is entitled to the greatest consideration; he understood perfectly the condition of affairs, and, as an American, his opinion was entirely without bias on the questions then at issue.

"Whether the commission retires by force of arms, or by the injustice practised on the merchants, the viceroy has committed an outrage on the British crown which should be equally chastised. . . . Act with firmness and spirit, and the emperor will punish the viceroy."<sup>58</sup> Later, on August 21st, he wrote: "I feel satisfied your lordship will see the urgent necessity of negotiating with such a government, having in your hands at the same time the means of compulsion; to negotiate with them otherwise would be an idle waste of time."<sup>59</sup> In these words he laid down the policy which has been consistently followed by every foreign government—British, French, Russian, German, or Japanese—which has come in conflict with China from 1839 down to the present day; but for the five years down to 1839 the British government was somnolent.

§ 27. The viceroy's position was quite clear. For a century or more, trade at Canton had been conducted under certain general conditions, and for half a century, since 1782, under a precisely regulated procedure, which allowed the officials to lay their heads upon their pillows with no disturbing anxiety, while the foreigners were kept in proper check and the impositions levied upon them came in a constant flowing stream. The ferment which filled the minds of the English traders outside the East India Company, and of the manufacturers and traders in the United Kingdom, and which had led to the substitution in England of free trade for monopoly in the China trade, worked on the minds of the Chinese as well; but it worked to cause some apprehension lest their own monopoly should be imperilled, and lest a demand should be made for free trade in Canton. "Previous to the arrival of Lord Napier there had long been a dead calm, and both the Chinese officials and the Hong merchants were waiting in suspense for that event."<sup>60</sup> Lord Napier came and showed himself ignorant of the rules of the game. He rushed off to Canton without waiting for a permit, or even for an interview with the men sent to interrogate him; he gave the viceroy no opportunity to save his face<sup>61</sup> when he should be called upon to reverse established procedure;

<sup>58</sup> Lord Napier to Lord Palmerston, Corr. rel. China, 1840, p. 15.

<sup>59</sup> Lord Napier to Lord Grey, Corr. rel. China, 1840, p. 28.

<sup>60</sup> Chin. Rep., Aug. 1840.

<sup>61</sup> On saving face, cf. Arthur H. Smith, "Chinese Characteristics," chap. 1, Face."

he refused to recognise in any way the Hong merchants, who had always been the channel of communication ;<sup>62</sup> he declined to give any intimation of the objects of his mission ; worse still, he would not say whether he wished to propose any innovations or not ; and, worst of all, he did not allow the viceroy time for preparation, either to resist Lord Napier's advances, or to protect himself against the enemies always on the alert amid the intrigue of an oriental government. Lord Napier committed the unpardonable offence of forcing the viceroy's hand ; he must have had some deep, unfathomable scheme in coming to Canton, in refusing to petition humbly, in insisting that his letter should reach the viceroy by the hands of an official only, and, later, in upsetting the arrangement of the chairs ; and, on the maxim *obsta principiis*, the viceroy instinctively rejected every proposal, and found safety only in strict adherence to established precedent. This attitude is clearly seen in the memorial to the throne, sent on September 8th conjointly by the viceroy and governor, acting in consultation with the Hoppo and with the Tartar-General and others in command of the Manchu garrison.<sup>63</sup> This memorial, making due allowance for the adjectives, hyperbole, and epithets characteristic of an oriental state document, for the arrogant attitude of superiority assumed always by the Chinese, and for the fact that such a document is intended to impress the Imperial mind with the sagacity and capacity of the memorialists, is still a sufficiently fair presentation of the case as it must have appeared to the Chinese officials at Canton. How it would have been viewed at Peking had Lord Napier's demands been acceded to, we may judge from the penalty inflicted on the viceroy for his errors and weakness, when, in fact, he yielded nothing. When it was reported that the frigates had entered the river, an Imperial edict was issued depriving him of his rank and button, his decoration of the peacock's feather, his title of junior guardian of the heir-apparent, and his office of viceroy, but directing him to remain and perform the duties of his post without rank—a common method of humiliating and punishing an official who has failed in his task ; then, when he could report that the barbarian

<sup>62</sup> Lord Napier was able to point out several instances of direct communication with the viceroy, but nothing vital had depended on the directness in those cases ; here directness of access was the very question in point.

<sup>63</sup> Corr. rel. China, 1840, p. 62 ; Chin. Rep., Nov. 1834.

headman had been driven from Canton and the foreign ships of war expelled from the river, he had the empty title and decoration restored, but remained subjected to the other marks of humiliation.<sup>64</sup> A sterner attitude was expected from him, even, than that which he had taken.

§ 28. The viceroy, in his action and his words, represented exactly the Chinese standpoint, except that, as viewed at Peking, he did not arise and smite the presumptuous barbarian; and this attitude would certainly not be abandoned. The British government did not yet know its own mind. The Duke of Wellington recognised fully that the Chinese objection to the title of superintendent was only a pretext, and "the reality was his pretension to fix himself at Canton, without previous permission, or even communication, and that he should communicate directly with the viceroy";<sup>65</sup> and Lord Palmerston, after his return to office, in July 1836, in June and November 1837, in June 1838, and as late as June 1839, repeated his prohibition against using the Hong merchants as the channel of communication, and against the form of petition;<sup>66</sup> but on none of these occasions were any instructions sent for the adoption of a positive course of action. But, while the government drifted, the English people, commercial and yet warlike, proud and self-restrained, found their views expressed fully in Lord Napier's despatches; and when it came to the clash of arms, it was to those despatches of five years before that they turned, to judge what they should think and how they should act.

<sup>64</sup> Corr. rel. China, 1840, pp. 59, 75; Chin. Rep., Nov. 1834.

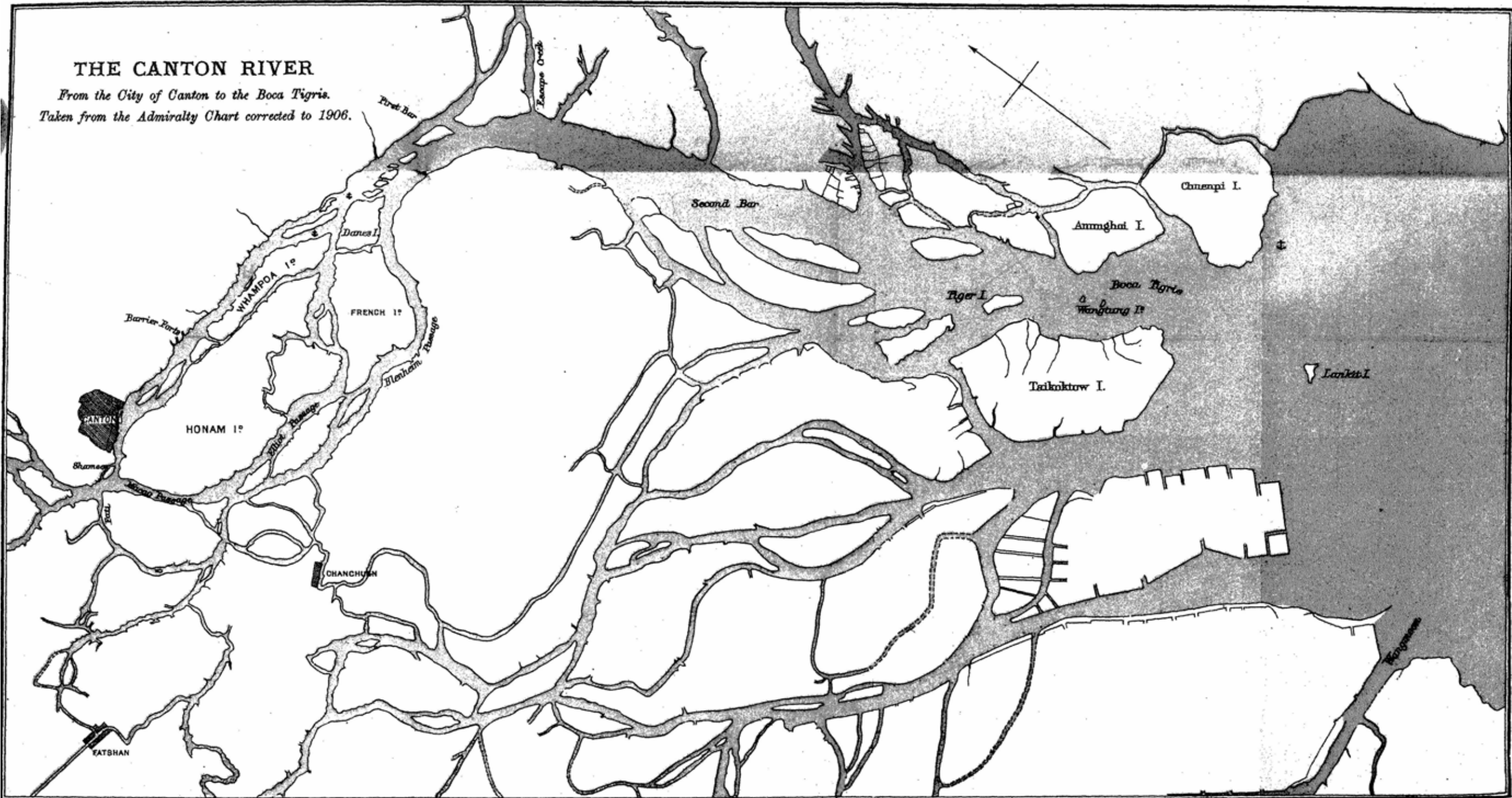
<sup>65</sup> Memorandum by Duke of Wellington, March 24th, 1835, Corr. rel. China, 1840, p. 51.

<sup>66</sup> Lord Palmerston to Capt. Elliot, Corr. rel. China, 1840, pp. 123, 149, 192, 258, 319. Cf. chap. vii, § 18.



# THE CANTON RIVER

From the City of Canton to the Boca Tigris.  
Taken from the Admiralty Chart corrected to 1906.



0 1 2 3 4 5 6 7 8 9 10  
Scale of Nautical Miles





## APTER VII

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§ 1. ON the death of Lord Napier, Mr. Davis succeeded to the chief superintendency, his colleagues being Sir G. Robinson

and Mr. J. H. Astell. Captain Elliot took Mr. Astell's place as secretary to the commission. In informing Lord Palmerston of Lord Napier's death, Mr. Davis indicated the policy which the commission in China should adopt in the following words: "In the absence of any advances on the part of the Chinese, a state of absolute silence and quiescence on our part seems the most eligible course, until further instructions shall be received from home."<sup>1</sup> Mr. Davis had been many years in China in the service of the East India Company, and was one of the very few foreigners who had then studied the Chinese language; in 1816 he was one of the interpreters attached to Lord Amherst's embassy; and on Lord Napier's arrival he was president of the company's select committee. He must have had some insight into the Chinese character, and could, himself, have attached little importance to his own reference to advances on the part of the Chinese; and, in fact, only twelve days later, on October 24th, he wrote to the governor-general of India that he had "no expectation of any voluntary advances from them [the Chinese authorities] towards the recognition of his Majesty's commission."<sup>2</sup> The essence of his expressed intention was that the quiescent attitude was to be maintained until the receipt of those further instructions, for which Lord Napier had pressed, and at which Mr. Davis here hinted, which should sanction the adoption of a forward policy; and, as the instructions never arrived, the quiescent commission went to sleep.

§ 2. The viceroy made no advances, but, on the contrary, followed up his victory in which he had expelled the intrusive barbarian headman, and had driven from the river the ships of war which had dared to force their way in. On October 19th and 20th he sent orders to the Hong merchants, pointing out that the former procedure had been to transmit orders through the senior Hong merchant to the senior merchant of the nation concerned—the taipan—and that now, on the abolition of the East India Company's monopoly, the English merchants were headless and free from all control. He then ordered that, consequent on Lord Napier's death, the English at Canton

<sup>1</sup> Corr. rel. China, 1840, p. 44. in the year 1834 Mr. Davis could hardly have heard of Uncle Remus and his account of how "Br'er Rabbit, he lay low, and ain't a-sayin' nothin'."

<sup>2</sup> Corr. rel. China, 1840, p. 46.

should write home to request the appointment of a taipan, "a commercial man, conversant with business; it is unnecessary again to appoint a barbarian headman, thereby causing friction and trouble."<sup>3</sup> In a later order, on October 23rd, after enumerating Lord Napier's errors, he was good enough to exonerate the British government from blame—"That nation's king, in sending Lord Napier hither, assuredly did not command him to create trouble, or to indulge in rash, hasty, and wayward conduct";<sup>4</sup> and he repeated his injunction that a commercial taipan, and not a headman, was to be selected. The injunction was again repeated in an order of November 6th, and again on February 25th, 1835;<sup>5</sup> and the hands of the Hong merchants were strengthened by a renewal, on November 1st, of the orders against unlicensed firms outside the Co-hong having any dealings, in buying or in selling, with the foreign traders.<sup>6</sup>

§ 3. The superintendents, under the guidance of Mr. Davis, issued a notice to British subjects in China on November 10th, expressing their regret for the absence of a means of communicating with the officials of the Chinese government, but pointing out the impossibility of receiving "orders" in a manner which would place the Chinese "in the helpless position of attempting to convey the wishes of their own sovereign to his Majesty the King of England through the incongruous medium of commercial correspondence"; declaring that they "considered themselves bound to await in perfect silence the final determination of the king"; urging on their nationals to avoid giving the Chinese any just cause of complaint; and asking that complaints against the Chinese should be referred to the superintendents for their decision.<sup>7</sup>

§ 4. The English<sup>8</sup> merchants in Canton were by no means disposed to sit silent under the policy of silence and quiescence adopted by the superintendents. The monopoly of the East India Company had been abolished; the "licence to trade," formerly issued by the company, was no longer required; the trade of the private merchants, formerly restricted to India, was now extended to England as well; and the control of the

<sup>3</sup> Corr. rel. China, 1840, p. 47.

<sup>4</sup> Ibid., pp. 56, 89.

<sup>7</sup> Ibid., p. 56.

<sup>5</sup> Ibid., p. 57.

<sup>6</sup> Ibid., p. 67.

<sup>8</sup> The word "English" is used here advisedly: the memorial referred to later was not signed by any of the Parsee merchants.

company was no longer to be exercised over them or their trade. The gate had been opened to a field of golden fruit, and they saw the prospect that free entry might be denied them; but they were willing to postpone their entrance, if only English trade might be freed from the humiliating conditions imposed upon it, and the dignity of their country maintained. For it must be remembered that, while some among them resented any form of restraint, the greater number came from the best class of the merchants of their own land, and worthily upheld the repute of their countrymen for honour and fair dealing. Besides their feeling at the indignities which had been heaped on the king's representative and the humiliations to which they themselves were subjected, they had another, minor, grievance in the composition of the commission; Lord Napier had been a king's officer of high rank, but, on his death, the chief superintendent; and the second superintendent next in succession to the headship, were from the select committee of the company, from whose jurisdiction they had just been freed. With these feelings, on December 9th they addressed a memorial to the king in council, in which they set forth the policy, not silent and quiescent, which in their opinion should be followed.

§ 5. The memorial begins by reciting that the superintendents are not recognised by the Chinese authorities, nor allowed to reside within the limits of jurisdiction assigned to them by their own government, and that their instructions forbid them to appeal to Peking, and deprive them of the means of resenting the indignities offered to Lord Napier, or demanding reparation for the injuries done to British subjects; and due tribute is paid to the conciliatory intentions which led to these instructions being given. The memorialists then point out the extreme inadvisability of "quiet submission to insult, or such unresisting endurance of contemptuous or wrongful treatment as may compromise the honour or bring into question the power of our country," and deplore the fact that Lord Napier was left without power to negotiate. They propose that powers be granted to a "plenipotentiary of suitable rank, discretion, and diplomatic experience," who should be attended by an armed force, of moderate but sufficient size, and proceed north to negotiate with the central government, pointing out

the ease with which the whole coasting trade of China could be stopped; and they argue that such a display of force, "so far from being likely to lead to more serious warfare, would be the surest course for avoiding the danger of such a collision." The wisdom of opening other ports than Canton is referred to, but the advice is given that the plenipotentiary should consult with the merchants at Canton, who would provide him with information on the exactions imposed on foreigners. After again adverting to the "long acquiescence in the arrogant assumption of superiority" and the necessity for ending it, the government is asked not to "leave it to the discretion of any future representative of your Majesty, as was permitted in the case of the embassy of Lord Amherst, to swerve in the smallest degree from a direct course of calm and dispassionate, but determined, maintenance of the true rank of your Majesty's empire in the scale of nations." Finally it is urged that no one should be appointed British envoy who was known to have been connected with the Canton trade, and so to have been subjected to insult and injury from the Chinese authorities; and that the envoy should refuse to treat with any one not specially nominated by the Imperial cabinet.<sup>9</sup>

§ 6. Mr. Davis treated this document with contemptuous scorn, styling it a "crude and ill-digested petition."<sup>10</sup> It was signed by sixty-four, probably a majority, of the English residents at Canton, but there was a not unimportant party which refused to sign.<sup>11</sup> Mr. Davis held the views of the East India Company, which was satisfied with matters as they were, which saw no reason for change, or for the abolition of its monopoly, and which predicted disaster as the result of the new order; his views would not affect his public action, but they might cause him to incline to the party with which he was in sympathy; and we find him and his colleague, Sir G. Robin-

<sup>9</sup> Corr. rel. China, 1840, p. 68.

<sup>10</sup> Ibid., p. 80.

<sup>11</sup> In 1832 there were 88 "English" residents, and in Jan. 1837 there were 158 (cf. chap. iv, § 11), and 64 was probably a majority of those there in Dec. 1834, possibly a large majority. Among the signatories were four of the names of Jardine or Matheson, and this may perhaps account for the absence of any of the name of Dent; when the author went to China in 1874 there was a tradition coming from the old China days that neither of the two leading English firms would consent to sign second on a public document, each always insisting on providing its own ark. Cf. chap. x, n. 24.

son,<sup>12</sup> in opposition to those who formulated a policy which, five years later, became the policy of the English people and its government.

§ 7. Mr. Davis vacated his office on January 19th, 1835, Sir George Best Robinson moving up to chief superintendent, and Mr. Astell to second superintendent, while Captain Charles Elliot, secretary, became third superintendent. Mr. A. R. Johnston was appointed secretary to the commission. At some time prior to November 21st, Mr. Astell rejoined the staff of the East India Company, Captain Elliot and Mr. Johnston becoming the second and third superintendents respectively, and Mr. Edward Elmslie, secretary.<sup>13</sup> On his departure, Mr. Davis enjoined on his colleagues to continue the quiescent policy, and it was consistently followed by his successor.<sup>14</sup>

§ 8. The seizure of some sailors of the ship *Argyle* by the natives of Shangchuen (St. John's Island), and their detention for ransom, seemed to afford an opportunity for reopening communication with the officials. A temperate statement of the facts was drawn up, under date of January 30th, in the form, not of a letter, but of a memorandum, signed by all three superintendents. "The seals of the three superintendents were affixed to their signatures, but it was determined to attach merely a fly seal to the envelope," so that the nature of the contents might be ascertainable by any official who would consent to receive it. This memorandum, translated into Chinese by Mr. C. Gutzlaff, one of the interpreters to the commission, was, on February 1st, taken direct to the Yulan gate, without passing by the factory, by Captain Elliot, accompanied only by Mr. Gutzlaff and the master of the *Argyle*. Captain Elliot was in the full uniform of a captain in the Royal Navy. On arrival at the gate the party was mobbed, and Captain Elliot was thrown to the ground, and was for some time "treated with the greatest indignity." All attempts to persuade any official to receive the cover were fruitless, though it was represented that the matter concerned the lives of twelve English sailors; and the highest of the officials who

<sup>12</sup> Sir G. Robinson to Lord Palmerston, April 13th, 1835, Corr. rel. China, 1840, p. 94.

<sup>13</sup> Corr. rel. China, 1840, pp. 105, 144; Canton Register, April 1835.

<sup>14</sup> Corr. rel. China, 1840, pp. 80, 94, 100, 106, 120.

were present at the last declared : " We receive only petitions." <sup>15</sup> The Chinese were not to be beguiled, and this assertion of equality was as futile as Lord Napier's had been ; but the authorities took steps to rescue the captive sailors, who were restored to their ship on February 19th.<sup>16</sup>

§ 9. On March 8th the Hoppo sent an order to the Hong merchants, embodying a communication from the viceroy of proposals which had been submitted to the throne and received the Imperial sanction. They enjoined greater strictness in the control of foreigners and the prevention of smuggling, ordered the suppression of the trade along the east coast and to the north,<sup>17</sup> and reissued certain of the old regulations in more stringent form. These regulations, in eight articles, may be summarised as follows :

1°. Foreign <sup>18</sup> ships of war coming for the protection of merchant ships are forbidden to enter the river ; should they do so, the trade will be stopped.

2°. When foreigners stealthily transport muskets and cannon, or clandestinely bring up foreign females or foreign sailors to Canton, the Hong merchants shall be held solely responsible and will be severely dealt with.

3°. None but duly licensed pilots and compradors may be employed.

4°. The number of native servants employed in each factory to be strictly limited, their names, etc., to be reported monthly to the district magistrate, and the security merchant to be responsible for them.

5°. Ships' boats no longer to pass under the flag without inspection, and the restrictions on pleasure parties reissued.

6°. When foreigners petition on any subject, they shall in all cases present their petition through the Hong merchants ; if they have complaints to make against the Hong merchants, they may petition direct to the district magistrates. Letters will not be received.

7°. Foreign ships may as before be secured by the Hong merchant selected by the consignee ; but an additional security merchant will be detailed in rotation, to serve as a check on illegal combination.

8°. Trading elsewhere than at Canton is strictly prohibited ; cases in contravention of this rule will be dealt with by the naval forces, and by the authorities of the other provinces concerned.<sup>19</sup>

§ 10. The superintendents under Sir G. Robinson continued to follow the silent and quiescent policy which had been formulated by Mr. Davis, and which was imposed on them by the

<sup>15</sup> Corr. rel. China, 1840, pp. 81.

<sup>16</sup> Ibid., 1840, p. 85.

<sup>17</sup> Cf. chap. viii, §§ 9, 10.

<sup>18</sup> In the original, " foreign " is, of course, " barbarian " ; this is the only term used down to the signature of the treaty of Nanking, 1842, and frequently down to 1860.

<sup>19</sup> Corr. rel. China, 1840, p. 88.



express limitations in Lord Napier's instructions.<sup>20</sup> In face of the Chinese they were powerless to demand redress of indignities or reparation for injuries, to institute any negotiations or enforce an opening for the exchange of communications, or to carry a complaint to the government at Peking. Certain cases arose in this year which demonstrated that they were equally powerless in the exercise of their supposed control over British subjects engaged in the China trade.

§ 11. The firm of Turner & Co. claimed the sum of \$300 as due from Mr. Keating, and the superintendents, finding they could not exercise civil jurisdiction, paid the money officially, with the intention of making the claim one for the repayment of money due to the crown. Mr. Keating then denied the right of the superintendents to exercise jurisdiction of any kind in China; among the grounds alleged were that they had not taken up their residence at Canton as required, that the powers of the former supercargoes vested in the superintendents gave no such jurisdiction, that none of the present superintendents were directly appointed by the crown, that the writ had been served in Macao where the superintendents had "no right to attempt legislation."<sup>21</sup> Lord Palmerston, in his reply,<sup>22</sup> made no reference to Mr. Keating's assault on the jurisdiction of the superintendents, but contented himself with adjudicating on the original claim, and with reprimanding the chief superintendent for paying the amount of the claim. In his report of this case Sir G. Robinson made this noteworthy statement: "Perhaps there is no place where a higher degree of mutual commercial good faith subsists than at Canton, or where it is more needful that such a feeling should be carefully fostered."<sup>23</sup>

§ 12. The case of Mr. Innes, reported by Sir G. Robinson,<sup>24</sup> is admirably summarised in Lord Palmerston's instructions in reply: "It appears that Mr. Innes had employed a pilot, A-cha, to transfer some goods from the ship *Orwell* while passing from Lintin to Canton, to another vessel at Lintin bound for Manila; that the pilot A-cha, instead of proceeding with the goods to

<sup>20</sup> Cf. chap. vi, § 3.

<sup>21</sup> Corr. rel. China, 1840, p. 95.

<sup>22</sup> Ibid., p. 127.

<sup>23</sup> Cf. chap. iv, § 25.

<sup>24</sup> Corr. rel. China, 1840, p. 102. Mr. Innes is the British merchant whose house-burning exploit is narrated in chap. v, § 32.

the other vessel, was conveying them up the Canton river, when his boat and the goods were seized by the Chinese custom-house officers for a breach of the Chinese revenue laws . . . that Mr. Innes, conceiving himself to be wronged by the acts of the pilot and of the custom-house officers, had petitioned the viceroy of Canton for redress; and that, upon experiencing delay in obtaining the restitution of his goods, he had notified to the viceroy his determination to procure redress for himself, by acts of reprisal against the Chinese trade; but that he had consented to abstain from his meditated hostilities, upon receiving from the superintendents a pledge that his case should be submitted to the consideration of his Majesty's government, and that the recovery of his property should be made the subject of a demand on the Chinese authorities on the first occasion of the superintendents coming in formal contact with those authorities." Lord Palmerston instructed the superintendents that Mr. Innes's proposed reprisal would constitute piracy, and that, if he persisted in his intention, not only would the British government withdraw its protection from him, but British ships of war would deal with him as with a pirate; but they were to avail themselves "of any suitable opportunity to press upon the Chinese authorities the restoration of the property in question," if it had been seized without right.<sup>25</sup> In a later despatch Lord Palmerston stated that the superintendents had no authority to expel or deport British subjects from China.<sup>26</sup>

§ 13. On January 1st, 1836, the steamer *Jardine* (length 85 ft.; beam 17 ft., draft 6 ft.) made her first trip from Lintin to Chuenpi, on her way to Canton, the intention of her owners being to maintain a regular communication for mails and passengers between Canton and Lintin. She was stopped at Chuenpi and forbidden to pass the Bogue, and subsequently the authorities prohibited her from plying in the inner waters;<sup>27</sup> and the superintendents supported the Chinese in this prohibition, because of the possible consequences to the trade of others. Lord Palmerston, writing on July 22nd, 1836, "recommended great caution in interfering in such a manner with the undertakings of British merchants. In the present state of our

<sup>25</sup> Corr. rel. China, 1840, pp. 111, 126

<sup>26</sup> Ibid., p. 129.

<sup>27</sup> Cf. *antea*, § 9; 5\*.

relations with China, it is especially incumbent upon you, while you do all that lies in your power to avoid giving just cause of offence to the Chinese authorities, to be at the same time very careful not to assume a greater degree of authority over British subjects in China than that which you in reality possess."<sup>28</sup>

§ 14. In the trade of Canton, as it had come to be conducted since the inauguration of the free trade, the ships no longer invariably made Macao their first point of arrival and last of departure, but more commonly substituted Lintin; there, on arrival, they discharged their opium into the store-ships and received their orders that all was ready for them to go up to Whampoa, and there they received their letters and documents before sailing away. In the month of August 1835 there were at one time, and of all nationalities, 22 ships at Whampoa and 27 at Lintin. With the British ships, altogether at Whampoa, within the limits of the port of Canton, and at Lintin, and with the superintendents at Macao, much delay and inconvenience were experienced in obtaining the signatures which were required for the business of the ships; and the merchants at Canton were notified that, from November 25th, "a member of his Majesty's commission, duly authorised, will reside at Lintin, to whom reference may be made, on board H.M. cutter *Louisa*."<sup>29</sup> This was in direct opposition to the instruction to Lord Napier, that the superintendents should exercise the duties of their office at Canton, and not elsewhere,<sup>30</sup> but the convenience was much appreciated by the merchants at Canton.<sup>31</sup> Lord Palmerston instructed Sir G. Robinson to notify that "the jurisdiction of the commission is to be extended so as to include Lintin and Macao";<sup>32</sup> but he refused to authorise the permanent residence of the commission at Lintin, and expressed his doubt of the wisdom of Sir G. Robinson's act in having resided there himself.<sup>33</sup>

§ 15. In the despatch, dated June 7th, 1836, which expressed this doubt, Lord Palmerston announced the intention of the

<sup>28</sup> Corr. rel. China, 1840, p. 121.

<sup>29</sup> Ibid., 1840, p. 104.

<sup>30</sup> Cf. chap. vi, § 3.

<sup>31</sup> Secretary, British Chamber of Commerce at Canton, to the Superintendents, Corr. rel. China, 1840, p. 109.

<sup>32</sup> Corr. rel. China, 1840, pp. 111, 147.

<sup>33</sup> Ibid., p. 113.

government to abolish the office of Chief Superintendent, and curtly informed Sir G. Robinson that "your functions will cease from the date of the receipt of this despatch." He accordingly handed over the archives and seals of the office on December 14th to Captain Charles Elliot,<sup>34</sup> who, signing at first as "Senior Superintendent," is found on February 2nd, 1837, signing as "Chief Superintendent." Sir G. Robinson had taken every possible occasion to inform the Foreign Secretary that the "trade was proceeding satisfactorily," and that "he would persist in following the quiescent policy," in order that the way might be clear for whatever instructions might be sent;<sup>35</sup> but he received no word of approval or of blame, nor did the instructions come. Captain Elliot, on the other hand, as early as January 25th, in a communication received at the Foreign Office on June 6th, had written that "the peaceful and conciliatory policy by which the king's government appear to me to desire to maintain and promote the commercial intercourse with this empire, is not very generally approved amongst the fifty or sixty resident merchants at Canton; and a determination to give it effect, so far as depends upon me, is the least popular task I could have proposed to myself." <sup>36</sup> Later, on March 14th, in a letter received July 23rd, he expressed his opinion that, "conforming heartily to the spirit of our cautious and conciliatory instructions," it might still be possible to establish relations with the Chinese authorities.<sup>37</sup> To say that, in putting Captain Elliot into the saddle, the British government had adopted a positive policy would be too bold a statement; but in fact, instead of the previous quiescent policy, they had now opened the way for one of backing and filling.

§ 16. In the face of his instructions, and of all that had gone before, Captain Elliot took immediate steps tending to the introduction of the thin end of the wedge, hoping, it would appear, that he might prove to be superior to the Chinese in the game of diplomacy, in which they have ever been so proficient. On December 14th, the day on which he assumed charge of his office, he definitely abandoned the quiescent policy,

<sup>34</sup> *Corr. rel. China*, 1840, pp. 136, 139.

<sup>35</sup> *Ibid.*, pp. 81, 100, 102, 104, 106, 112, 113, 117, 120, 121, 131, 133.

<sup>36</sup> *Ibid.*, p. 136.

<sup>37</sup> *Ibid.*, p. 137.

and addressed to the viceroy<sup>38</sup> a communication informing him of his appointment "to the station of the chief English authority in China," and asking for a passport to proceed to Canton.<sup>39</sup> He cast this communication in the form of a petition, that word being inscribed on the cover; and was so disingenuous as to represent to Lord Palmerston that the adoption of this form was not very material—"it is the identical character used by officers of the Chinese government in their reports to superior officers . . . perhaps it may be rather thought to mean the respectful exhibition of information, than a distinct signification of the ideas involved in our word Petition."<sup>40</sup> This petition he sent open through the leading English merchants to the senior Hong merchant, by whom it was transmitted to the viceroy.<sup>41</sup> The viceroy's order to the Hong merchants, not to the superintendent, in reply declared that he scented "headman" and not "taipan" in the petition, and that he must be informed on this point; and that Captain Elliot must remain at Macao until the emperor's wishes could be ascertained.<sup>42</sup> On this the superintendent wrote to the viceroy that he would remain at Macao until the emperor should sanction his proceeding to Canton; and informed the Hong merchants that "my commission of authority is signed by my gracious sovereign . . . my duty at Canton will be to conduct the public business of my nation, and by all possible means to preserve the peace which so happily subsists between the two countries."<sup>43</sup> We may imagine the smile with which the viceroy would read any faithful rendering of these words, in the improbable event of their being transmitted to him.

§ 17. The viceroy, in due course, memorialised the throne; but, in reporting on Captain Elliot's character and qualifications, he conveyed the idea that he was still, and was to remain, master attendant<sup>44</sup>—"appointed to control the merchants and seamen, not to control commerce; that he has credentials commanding him to hold the direction of affairs at Canton, and that, in case of any disturbances, he alone is answerable"; and

<sup>38</sup> A new viceroy, Teng-Ting-cheng, had assumed office on Feb. 12th, 1836, in succession to Viceroy Lu, who had died in the preceding September.  
—*Chin. Rep.*, Sept. 1835 and Feb. 1836.

<sup>39</sup> *Corr. rel. China*, 1840, p. 142.

<sup>40</sup> *Ibid.*, p. 148.

<sup>41</sup> *Ibid.*, p. 143.

<sup>42</sup> *Ibid.*, p. 144.

<sup>43</sup> *Ibid.*, p. 146.

<sup>44</sup> *Cf. chap. vi, § 2.*

he advised that Captain Elliot be "permitted to come to Canton and direct affairs, under the same regulations under which the taipans have hitherto acted."<sup>45</sup> This proposal was sanctioned by Imperial rescript of February 2nd, which was communicated by the viceroy to the Hoppo, and by him transmitted to the Hong merchants in an order dated March 18th, in the following words :

"I, the Hoppo, on the receipt of the above, forthwith issue this order. When it reaches the Hong merchants, let them in obedience hereto immediately enjoin upon the said foreigner these commands: that it is henceforth imperative on him, when coming to Canton to manage affairs, to conform to the existing regulations applicable to taipans; that he is to be held responsible for the careful control of affairs; that he must not overstep this duty and act improperly; and that, as regards his residence, sometimes at Canton and sometimes at Macao, he must in this also conform himself to the old regulations, nor can he be allowed to loiter in Canton beyond the proper period."<sup>46</sup>

The permit was duly issued, and Captain Elliot proceeded to Canton, arriving there on April 12th. He returned to Macao, in accordance with his "orders," after a stay in Canton of about three weeks.<sup>47</sup>

§ 18. Captain Elliot's despatches to Lord Palmerston, written during his short stay at Canton, are filled with accounts of his ingenuity in attempting to procure a direct exchange of documents, even as between superior and inferior, between the viceroy and himself, and of the viceroy's brutal refusals to see any necessity for such exchange. The viceroy's orders were sent, as always, to the Hong merchants, and in them were many phrases clearly indicating the low esteem in which he held the taipan: "The taipan has omitted the respectful expression 'Celestial Empire,' and has absurdly used such words as 'your honourable country,' giving expression to his own puffed-up imagination." "Let him not again offend against the dignity of the empire." "On every occasion before the taipan leaves Macao, and after he returns, it will be his duty to report to the sub-prefect." "He must keep his station and diligently attend to his official duties."<sup>48</sup> Lord Palmerston had a clearer insight into the essence of the situation than Captain Elliot, and, upon receiving reports of the steps taken by the latter, he repeatedly

<sup>45</sup> Corr. rel. China, 1840, p. 152.

<sup>46</sup> Ibid., p. 194; Chin. Rep., Mar. 1837.

<sup>47</sup> Corr. rel. China, 1840, p. 207.

<sup>48</sup> Ibid., pp. 203, 208, 209.

sent instructions that communications were to be exchanged direct with the viceroy, and were not under any circumstances to be sent or received through the hands of the Hong merchants, and that the form of petition was not to be used.<sup>49</sup> The first of these despatches was received by Captain Elliot, being then at Canton, on November 21st, and he made several attempts to find some form of procedure which should accord with his instructions, and be at the same time acceptable to the Chinese; but the viceroy was inexorable, and the superintendent struck his flag and withdrew to Macao.<sup>50</sup> He at the same time foreshadowed to the Foreign Secretary the possibility of having to use force to secure equality of treatment, making the optimistic declaration that: "I entertain a persuasion that a letter from your lordship to the cabinet at Peking, written by her Majesty's command, and sent to the mouth of the Peiho in a ship of war, would at once draw from the emperor an order for the concession of the point."<sup>51</sup>

§ 19. Captain Elliot's despatches of February 2nd and 7th, indicating the possibility of trouble in connexion with opium,<sup>52</sup> were received at the Foreign Office on July 17th, and those up to April 27th, toward the close of his first permitted visit to Canton, on October 9th. On November 2nd Lord Palmerston transmitted a copy of his memorandum of September 20th to the Lords of the Admiralty, suggesting that the commander-in-chief of the squadron on the East India station, Rear-Admiral Sir Frederick Maitland, should visit China, and that one or more war-ships should be sent as frequently as possible—"first, to afford protection to British interests, and to give weight to any representations which H.M. superintendent may be under the necessity of making, in case any of H.M. subjects should have just cause of complaint against the Chinese authorities; and, secondly, to assist the superintendent in maintaining order among the crews of the British merchantmen who frequent the ports of Canton."<sup>53</sup> This was a new departure,

<sup>49</sup> Lord Palmerston to Capt. Elliot, July 22nd, 1836 (Corr. rel. China, 1840, p. 123), June 12th, 1837 (*ibid.*, p. 149), Nov. 2nd (*ibid.*, p. 192), June 15th, 1838 (*ibid.*, p. 258), June 13th, 1839 (*ibid.*, p. 319).

<sup>50</sup> Corr. rel. China, 1840, p. 245. Captain Elliot wished to substitute an unofficial letter (Shusin or Sin) for the form of petition. (*Ibid.*, p. 315.)

<sup>51</sup> Corr. rel. China, 1840, p. 249.

<sup>52</sup> Cf. chap. viii, § 25.

<sup>53</sup> Corr. rel. China, 1840, p. 192.

all previous instructions having rather shown a wish to keep any display of force in the background; and it might almost indicate that the government was on the point of formulating a policy. In announcing to Captain Elliot his intended visit, Sir F. Maitland adverted, for the benefit of the Chinese authorities, to the fact that "the trade, being no longer a monopoly of a company of merchants, comes under the immediate protection and care of H.M. government, and that that government considers itself bound to see that the ships and persons of H.M. subjects are duly protected from injury or insult, as is the case in all other portions of the globe." At the same time, he warned the superintendent that, while assistance would be given in maintaining order among the crews of British merchant ships, still "the captain of a ship of war has no legal right to interfere, and must be very cautious in committing himself in the disputes between the masters and their crews."<sup>54</sup>

§ 20. In pursuance of his instructions Sir. F. Maitland proceeded to China, and arrived on July 13th, 1838, at the time of a crisis to which reference must be postponed.<sup>55</sup> Captain Elliot at once applied for a permit to proceed to Canton, which was sent him by the Künmin-fu<sup>56</sup> at Macao, but with a covering document inscribed "order" (yü).<sup>57</sup> Even Captain Elliot thought it was going too far, if he was expected to receive "orders" from a petty military official, and he promptly returned the document for correction.<sup>58</sup> Proceeding to Canton, he wrote to the viceroy on July 29th asking him to send officers to communicate with Admiral Maitland. His letter was not inscribed "petition," but it was left open, in the hope that so it might be accepted. It was taken to the viceroy by the Hiehtai, but was returned the same day by the hands of the Hong merchants, with the verbal message that the precise instructions of his government forbade the viceroy to receive any such document unless it was marked as a petition.<sup>59</sup> In the meantime, on July 28th, the schooner *Bombay*, a passenger boat plying

<sup>54</sup> Corr. rel. China, 1840, p. 311.

<sup>55</sup> Cf. chap. viii, § 27.

<sup>56</sup> The officer charged with the coast defences of his district, and so responsible for the ingress and egress of strangers.

<sup>57</sup> Cf. chap. vi, § 5, n. 12.

<sup>58</sup> Corr. rel. China, 1840, p. 314.

<sup>59</sup> Ibid., p. 310.



regularly, was brought to at the Bogue. First several shots were fired from the Anunghoi forts and the vessel was boarded, when the question was asked whether "Admiral Maitland, or any of his soldiers, women, or sailors were on board; if so, they would not be allowed to pass up the Bogue"; and the officer expressly disclaimed any intention of searching for opium. The same incident occurred, and the same question was asked in the same words, at the inner forts on Tiger Island.<sup>60</sup> A verbal disavowal from the viceroy was obtained, but nothing in writing and on August 4th Admiral Maitland moved three ships of war up to Chuenpi, and demanded an explanation—he "wished to avoid the least violation of the customs or prejudices either of the government or people, but was not less resolved to bear no insult on the honour of the flag entrusted to his protection."<sup>61</sup> Admiral Maitland was met in the frankest way by his colleague Admiral Kwan,<sup>62</sup> charged with the defence of the approaches to Canton; and, after a complete disavowal in writing and the exchange of courtesies, the ships withdrew on August 6th to Tongku Bay.<sup>63</sup>

§ 21. Mention must be made of one characteristically insulting practice of the Chinese authorities, in the annual reissue of a joint proclamation by the viceroy and Hoppo, enjoining on the Hong merchants and interpreters to instruct the foreigners in the tenets of civilisation and to "repress their pride and profligacy." They were not to "buy young boys for them, to act as servants and attendants, nor procure prostitutes for them, to gratify their libidinous dispositions." They must not "seek out and hire for them tanka"<sup>64</sup> boats having families on board." Any of the merchants or interpreters who acted as panders for the foreigners and adopted any of these methods of providing for their lust, would be sent for trial and punished with severity. This proclamation, reissued annually, was

<sup>60</sup> Corr. rel. China, 1840, p. 314.

<sup>61</sup> *Ibid.*, p. 311.

<sup>62</sup> "Water Titai," Kwangtung having also a land Titai. Cf. chap. i, § 28. The Titai or Titu, though assimilated in rank to the governor of the province, is yet, then as now, held in much lower esteem, as being a mere military official, and therefore of little or no education.

<sup>63</sup> Corr. rel. China, 1840, pp. 315-316.

<sup>64</sup> Small boats, each with a single family living on board, common to many Chinese ports. So called at Canton from an old local tribe called Tan, the -ka being practically an adjectival termination.

posted outside the main entrance of the Consoo, or gild house, of the Co-hong.<sup>65</sup>

§ 22. By this time opium, any reference to which in this history has been postponed, had come prominently to the front; but, before entering on this subject, it will be well to deal first with another matter which brought China and England to the verge of collision—the Hong debts. These debts, due by the Hong merchants to the foreign traders, were incurred in two ways: in the ordinary course of trade, through the buying and selling of goods, and from loans of money made by foreigners attracted by the high rates of interest.<sup>66</sup> To any indebtedness arising from these causes must also be added another category having also a prior claim, the amounts due to the government for customs duties on the goods, for dealing in which the Hong merchants had a close monopoly, and for the duties and exactions on which they were liable.

§ 23. The first recorded instance of debt due from a Hong merchant, which he was unable to liquidate in the ordinary course of business, was in 1774, when Sunqua became bankrupt, owing \$266,672.<sup>67</sup> Five years later, however, several firms of the Co-hong became bankrupt, and, on December 31st, 1779, their debts, with accumulated interest, were found to amount to \$4,296,650, of which \$3,802,587 was owing by six Hong merchants, and \$494,063 by shopkeepers who were permitted to deal, but only through the Hong merchants, in the minor articles of trade. No part of this debt was owed to the East India Company, but all to private traders, and chiefly for money loaned to the Chinese; of the total \$1,078,976 was recognised to have been received in goods or in cash, the balance \$3,217,674 being accumulated interest piled on to renewed bills. The claims were referred to Peking, and an Imperial edict was issued ordering, in general terms, that the debt be paid; a distinction was made between loans in cash, which had been prohibited since 1760, and trading debts, which might be incurred at any time; but the mutual guarantee of the members

<sup>65</sup> Hoppo to Select Committee, Oct. 28th, 1830, in Matheson, "British Trade," p. 20; Record of Proceedings, Dec. 6th, 1834, in Corr. rel. China, 1840, p. 73; Chin. Rep., Nov. 1836.

<sup>66</sup> Cf. chap. iv, § 8.

<sup>67</sup> The normal exchange value of the Spanish dollar was 4s. 6d. (£1 = \$4.44), but it often rose as high as 4s. 10d. (£1 = \$4.18).

of the Co-hong was admitted, and was made more binding in 1782. The debts were scaled down in the settlement, and the funds were provided by a surtax on the foreign trade, Tls. 1·200 a picul on green tea, Tls. 0·620 on black tea, and Tls. 6 on silk. In 1793 a Hong merchant failed owing, chiefly to Parsees, a sum of \$400,000, which was paid by the Co-hong; and in 1796 the debts of another firm, amounting to over \$1,200,000, chiefly due for trading operations to the East India Company, were also paid by the Co-hong. In 1810, two firms of the Co-hong owed the East India Company the sum of nearly \$1,950,000, which was paid by the Co-hong by annual instalments in ten years. In 1813 five firms together owed \$3,964,197, almost entirely to private traders; the debts of the two principal debtors were repaid in 1823 and 1826 respectively; but those of the other three were paid in part only, the unpaid balances being included in the following claims. In the years 1823 to 1829, five firms became insolvent, owing a total of \$3,753,902, of which \$2,960,066 was due to foreign merchants and \$793,836 to the government for duties; this entire indebtedness was repaid by the Co-hong in the years 1825-1834. All these repayments were without interest from the date of presentation of the claims.<sup>68</sup>

§ 24. In 1829 the select committee of the East India Company whose president, as taipan, was curator of British interests, represented to the viceroy, through the Co-hong, the inconvenience caused to trade through the reduction in the number of firms in the Co-hong, caused by successive bankruptcies; and, after some pressure exerted by keeping the ships outside and refusing to begin the trade, an Imperial edict was procured sanctioning the nomination of additional Hong merchants; at the same time, the existing prohibition against the incurring of debt and the borrowing of money from foreigners, was re-enacted.<sup>69</sup> Among the new firms thus admitted was that of Hingtai, which is said to have had a cash capital of no more than \$60,000, but which, within very few years, transacted between a fifth and a fourth of the whole of the legitimate foreign trade of Canton.<sup>70</sup> After a swift and

<sup>68</sup> Corr. rel. China, 1840, pp. 277-282.

<sup>69</sup> Auber, "China: an Outline," p. 321.

<sup>70</sup> Corr. rel. China, 1840, p. 286.

short career of seven years, the firm suspended payment toward the end of 1836. Foreign claims were presented amounting to \$2,738,768, of which \$2,261,439 were passed as approved by a joint committee of investigation, consisting of three Chinese and three foreign merchants; the deductions, \$477,329, were chiefly accrued interest or unadmitted claims for defective goods; the whole of the approved indebtedness appeared to have been incurred in actual legitimate trade.<sup>71</sup> An analysis of the claims presented is interesting:<sup>72</sup>

	CLAIM.	DISALLOWED.	ALLOWED.
Jardine, Matheson & Co.:			
For English constituents	\$837,599		
" Indian	416,382		
" themselves	904,368		
	2,158,349	\$432,543	\$1,725,806
Dent & Co.	92,020	—	92,020
Nine other English firms	403,840	36,843	366,997
Two Parsee firms	2,497	—	2,497
Two American firms	78,648	7,943	70,705
One Swiss firm	3,414	—	3,414
	\$2,738,768	\$477,329	\$2,261,439

§ 25. On April 21st, 1837, the foreign merchants concerned moved the Co-hong to petition the viceroy for an order that the debts of the Hingtai firm be paid; and, in his reply, the viceroy expressed his astonishment that so large an indebtedness should have been incurred in so short a time, ordered the Hong merchants to investigate and report, and informed them that "they were held jointly responsible—the property of the foreigners cannot be left without an ultimate guarantee for its safety."<sup>73</sup> On June 20th, the foreign merchants again pressed for action, and again the viceroy ordered an investigation and report; and on July 1st they asked that the senior partner, who had gone to his home at Nanking, should be summoned back to Canton. In response to renewed applications by the

<sup>71</sup> Corr. rel. China, 1840, p. 282.

<sup>72</sup> Ibid., p. 307.

<sup>73</sup> Ibid., p. 262.

foreign creditors, the viceroy, on July 7th, ordered an examination of accounts in order to reconcile the conflicting statements of the creditors and the debtor firm, and prompt liquidation of the debts; again on July 20th; again on September 13th; and again on December 1st. On December 17th, an order shows restiveness under these repeated applications for repayment. By this time it had been arranged that the business of another firm, that of Kinqua, who had long been practically insolvent, should be wound up, and that his debts to the foreign merchants, estimated at \$1,000,000, should be included with those of the Hingtai firm in this settlement; and the Hong merchants, while not disputing their liability, had proposed repayment without interest in fifteen, afterwards reduced to twelve, annual instalments, the creditors, on the other hand, asking for repayment in five or six years. The matter was now referred for report to the provincial board, consisting of the provincial treasurer and provincial judge. Their report added to the settlement, as prior claims, debts due to the government for customs duties, from Hingtai \$100,000, from Kinqua \$240,000, and from a third, Fatqua, having no foreign liabilities, \$418,000; urged the creditors to accept the proposed settlement in twelve years; and warned them that, if pressed too hard, the Hong merchants might disclaim liability.<sup>74</sup> Finally, on March 21st, 1838, the creditors again drew the viceroy's attention to the fact that nothing had been done;<sup>75</sup> and presented their case to their own government in a memorial to Lord Palmerston.<sup>76</sup> It was finally arranged that the debts should be paid by annual instalments, those of the Hingtai firm in eight and a half years, without interest, those of Kinqua in ten years with simple interest at 6 per cent.<sup>77</sup> A first dividend of 4 per cent.

<sup>74</sup> *Corr. rel. China*, 1840, pp. 272, 287.

<sup>75</sup> *Ibid.*, p. 274.

<sup>76</sup> *Ibid.*, p. 260. This memorial was signed by ten of the thirteen British creditor firms, and by ten firms or persons whose names are not in the list of creditors. It was signed by Dent & Co., who claimed for \$92,020, and not by Jardine, Matheson & Co., whose original claims amounted to \$2,158,349; the reason was possibly that intimated in § 6, n. 11; in fact, the firm of Jardine, Matheson & Co. presented its claim to the viceroy in a separate petition, and did not join in that of the other creditors.—*Corr. rel. China*, 1840, pp. 262, 265, 303.

<sup>77</sup> Letter of Hingtai creditors to Lord Palmerston, dated Nov. 26th, 1838, received May 27th, 1839. (*Corr. rel. China*, 1840, p. 321.) Before receiving this, Lord Palmerston had written, on Feb. 27th: "It appears from Canton

(\$90,457) on Hingtai's debts was paid on November 30th, 1838,<sup>78</sup> and a second dividend of 3 per cent. (\$67,843) on February 4th, 1839;<sup>79</sup> on Kinqa's debts a first dividend of 4 per cent. (\$40,000) was paid on January 14th, 1839;<sup>80</sup> no other payments were made, and the matter was finally settled by art. v of the treaty of Nanking.<sup>81</sup>

§ 26. It is a principle of international law, not fully settled, but more or less observed in practice, that, when the subjects of a weak state are indebted to those of a strong state, the armed forces of the strong state shall not be called upon to enforce the collection of the debt, so long as the tribunals of the debtor's country are open to the creditor, and will administer justice according to its recognised municipal law, nor until the resources of diplomacy are exhausted—a principle expressed in

newspapers lately received in England, that about the time when your despatch [of March 29th, 1838] was received at this office, the British merchants at Canton had effected an arrangement with the Hong merchants upon terms not very different from those against which they had in their memorial protested. If this is true, I have to instruct you to impress upon the British merchants resident in China, that it is of great importance to their own interests, as well as to the character of this country, that they should not on any future occasion hastily apply to the British government to found a representation to the Chinese government on their behalf, upon principles which they themselves may be disposed to abandon before such representation could reach the Chinese authorities." (Corr. rel. China, 1840 p. 317.) Lord Palmerston required the merchants to act as if their government had a policy other than the quiescent policy.

<sup>78</sup> Corr. rel. China, 1840, p. 321.

<sup>79</sup> Chin. Rep., Feb. 1839.

<sup>80</sup> Ibid., Jan. 1839.

<sup>81</sup> The actual results differed from the figures given above. The distribution of the sum of \$3,000,000 paid under the treaty was (Return to order H. of Commons, June 18th, 1846) as follows:

Received, Hong debts by treaty . . . . .	\$3,000,000
Issued, debts of Mowqua . . . . .	\$354,692
" " " Kinqa . . . . .	922,432
" " " Hingtai . . . . .	1,266,102
	<u>2,543,226</u>
Balance in hands of government . . . . .	<u>\$456,774</u>
Claimed, but not yet paid: debts due by Fungcheong, Fatqua, and Yeetuck . . . . .	<u>\$267,927</u>

The money was finally paid to the British consul at Canton on July 23rd, 1843. To this settlement Howqua contributed \$1,000,000; Footae, \$90,000; Mowqua, \$60,000; Pwankequa, \$130,000; Kinqa, \$70,000; Samqua and Gouqua, \$100,000 each; Punhoyqua, \$70,000; Mingqua, \$20,000; Saoqua about \$20,000. The balance it is supposed came out of the Consol fund.—Chin. Rep., Aug. 1843.

its extreme in the Drago doctrine presented to the second congress of the Hague. While this may be accepted as a general rule, there are many considerations which distinguish the manner of conducting the trade at Canton from that ruling elsewhere, and these it is necessary to summarise briefly :

1°. It is a rule of international law that, before the authorities of either countries are called in, the remedies available locally must be exhausted,<sup>52</sup> except where justice is wanting,<sup>53</sup> or is denied.<sup>54</sup> At Canton courts of law, available for the foreigner, were wanting, the remedy arranged by arbitration was not carried out, and in the end the British government rightly intervened on behalf of British subjects.

2°. At Canton the foreign trade was a monopoly in the hands of the Co-hong, and foreign traders were privileged to trade only with its members, reduced at times to not more than half a dozen firms; this was the act of the Chinese government for its own purposes—whether for the national fisc or for the private purse is immaterial—and the responsibility for the consequences lay with the Chinese authorities. This liability was fully recognised in all the cases cited.<sup>55</sup>

3°. The Hong merchants were put in a position to make large profits from the foreign trade, but they were not called upon to meet this liability out of those profits. The Co-hong had been rechartered in 1782 as a direct result of one of the liquidations; and, to provide for similar needs in the future, one of the conditions of its creation was the establishment of the Consoo fund to provide a guarantee fund for debts and losses. This fund was supplied by direct contribution of the foreign trader, the statutory levy being 3 per cent. of the value of his trade. In the representations made to the viceroy, one petition stated that the foreign traders had paid to the fund \$1,500,000 in four years;<sup>56</sup> and another drew attention to the fact that, in the three years 1835-1837, as compared with the three years 1832-1834, there had been an increase in the export of tea of 392,266 piculs (35 per cent.) and of silk of 10,205 bales (54 per cent.), and in the import of cotton of 470,129 piculs (36 per cent.), all of which contributed to the fund proportionately.<sup>57</sup>

4°. While the foreign trade provided thus the means of meeting its own losses, these special emergencies were made to furnish an occasion for imposing special taxes, which, once imposed, were not subsequently removed. To cover the bankruptcy of Hingtai and Kinkua special surtaxes were now imposed; and it was calculated that the increased levy, made on the actual trade of the year July 1836 to June 1837, would amount to \$1,833,680 in the one year, while the foreign debts to be repaid from the tax did not exceed \$3,261,439.<sup>58</sup>

5°. All this is on the supposition that the Consoo fund was in actual existence to fulfil its purpose, but, in fact, it was drained dry. It had

<sup>52</sup> Moore, "Int. Law Digest," vi, p. 656.

<sup>53</sup> *Ibid.*, p. 677.

<sup>54</sup> *Ibid.*, p. 651.

<sup>55</sup> *Of. antea*, § 23.

<sup>56</sup> *Corr. rel. China*, 1840, p. 303.

<sup>57</sup> *Ibid.*, p. 305.

<sup>58</sup> Capt. Elliot to Lord Palmerston. *Corr. rel. China*, 1840, p. 348.

been charged with annual contributions of a semi-official character, such as the following:<sup>80</sup>

Tribute to the Emperor . . . . .	\$ 75,000
Yellow River inundation . . . . .	42,000
Co-hong's Peking agent . . . . .	29,000
Birthday present to Emperor . . . . .	180,000
"    "    Hoppo . . . . .	27,000
Gratuities to officials . . . . .	56,000
	<u>\$409,000</u>

In 1832 a sum of \$140,000 had been taken for the suppression of a local rising, in 1833 a further sum of \$167,000 for floods around Canton, and so on. Moreover, on the declaration of bankruptcy of the Hingtai firm, in addition to the preferential claim for duties amounting to \$758,000, the authorities claimed to charge the fund with arrears of \$830,000 due for the Tibet war, and with \$40,000, three years' allowance for ginseng to be supplied to the Imperial palace.<sup>81</sup>

6°. Above all these considerations stands out the fact that the Hong merchants were bled unmercifully by the officials,<sup>82</sup> and, with the exception of the two or three seniors, were constantly on the verge of bankruptcy, while, from time to time, many went over the brink. The foreign traders were on a cash basis—they never obtained credit, but, together apart from loans (which do not enter into the claims against Hingtai and Kinqua), the Chinese traders were constantly in debt to the foreigners. We have an authentic record of the sums due from Hong merchants to the East India Company as the result of purely legitimate trading at the close of each of four seasons:<sup>83</sup>

1806-1807 . . . . .	£780,150	(\$3,465,000)
1807-1808 . . . . .	£822,741	(\$3,655,000)
1808-1809 . . . . .	£937,798	(\$4,165,000)
1809-1810 . . . . .	£421,926	(\$2,185,000)

7°. The East India Company worked as a monopoly—weak, it is true—against a monopoly, strong though it might be; but, since the free trade introduced in 1834, the English fought each for his own hand, with no national authority nearer than Macao, and that engaged in following a quiescent policy. The result was to remove what restraint had once been held over the Chinese official world; the Consol fund was looted, and the Co-hong was bled, more thoroughly than before; and the money which should have gone to settle each season's accounts with the foreign traders went into official pockets.

8°. The creditors were in a position of special hardship. Rates of interest were high—from 12 to 20 per cent. on good to fair security<sup>84</sup>—when no special risks were supposed to be incurred. On the one hand this encouraged reckless Chinese borrowers, but that element did not enter into the Hingtai settlement. In ordinary legitimate trade the merchant counted on doubling his capital in four years, if the rate were 20 per cent.,

<sup>80</sup> "Morrison's Companion," cited in Gutzlaff, "China Opened," ii, p. 82.

<sup>81</sup> Corr. rel. China, 1840, p. 287.

<sup>82</sup> Cf. chap. iv, § 26.

<sup>83</sup> Milburn, "Oriental Commerce," ii, p. 473.

<sup>84</sup> Corr. rel. China, p. 284; Hunter, "Fan-kwae," p. 39.



and in little over six years, if the rate were 12 per cent., while he would lose the equivalent of his entire capital in the same number of years, if payment were deferred. He, therefore, while always a creditor, could not afford to wait for his money; and the stringency was intensified by the failure in 1837 of three important banking houses in London having large commitments in the American trade, and, through that, in the Canton trade.<sup>94</sup>

§. 27. With the removal of the East India Company's control over English trade—the establishment of the free trade—the commerce of Canton generally had expanded. The export of tea rose from 335,697 piculs of an average value of \$31.60 in the season 1831–1832, to 442,609 piculs of an average value of \$49.10 in the season 1836–1837. Shipments of silk in the four years 1829–1830 to 1832–1833 amounted to 21,727 bales, an annual average of 5,432 bales, valued at \$308 a bale, and in the four years 1833–1834 to 1836–1837 were 49,988, an annual average of 12,497 bales, valued at \$397 a bale. Among imports, opium increased from 16,225 chests valued at \$13,158,475 (\$811 a chest) in 1831–1832, to 28,307 chests valued at \$19,871,514 (\$702 a chest) in 1836–1837; and raw cotton from 443,238 piculs valued at \$4,905,374 (\$11.07 a picul) in English and American ships in 1831–1832, to 677,351 piculs valued at \$8,225,513 (\$12.14 a picul) in English ships alone in 1836–1837. Excluding the movement of treasure, the total value of the trade in goods by English and American ships at the quinquennial interval, before the close of the monopoly and after the establishment of the free trade, was as follows:<sup>95</sup>

	ENGLISH.	AMERICAN.	TOTAL.
Imports, 1831–1832 . . .	\$20,520,027	\$2,383,685	\$22,903,712
" 1836–1837 . . .	34,435,622	3,214,726	37,650,348
Increase . . .	\$13,915,595	\$831,041	\$14,746,636
Exports, 1831–1832 . . .	\$13,216,483	\$5,999,732	\$19,216,215
" 1836–1837 . . .	25,339,284	9,527,139	34,866,423
Increase . . .	\$12,122,801	\$3,527,407	\$15,650,208

<sup>94</sup> The firms of Thomas Wilson & Co., George Wildes & Co., and Timothy Wigin.—Hunter, *op. cit.*, p. 132.

<sup>95</sup> The figures in this paragraph are obtained from Chin. Rep., Oct. 1837, in addition to the authorities used for chap. iv, and cited in § 21, n. 63.

§ 28. Up to 1834 a Chinese monopoly of the closest had been faced by an English monopoly such as English sentiment could tolerate; and though, under the existing conditions, it was "the Chinese company, not the English, which must prescribe the terms,"<sup>96</sup> still the English company could present a single front against exactions other than those designed to tax the trade. Now the Chinese monopoly remained, not yet shorn of any of its powers; but the English monopoly had been abolished, the English merchants were left as sheep without a shepherd, and the English government had not yet taken the effective steps which should substitute a governmental agent as leader and protector in the place of the company. The commercial result is seen in the figures for the trade. With close combination on the one side, and complete freedom of competition on the other, unchecked by the control of the market formerly held by the company, the foreign traders largely increased their shipments of tea, silk, and other Chinese products, and at the same time were compelled to pay greatly increased prices, ranging from 25 per cent. in the case of silk to 55 per cent. for tea; and for their largely increased imports they received prices less by 15 per cent. for opium, and for cotton more by 9 per cent. only, while we have testimony that lower prices generally were obtained for English manufactures.<sup>97</sup> The foreign traders were helpless in the hands of the Hong-merchants,<sup>98</sup> even in the matter of postponing the settlement of accounts; and, with the fuller realisation of the weakness of their commercial position, came also a keener sense of their political, social, and personal humiliation.

<sup>96</sup> Cf. chap. iv, § 15.

<sup>97</sup> *Corr. rel. China*, 1840, p. 285.

<sup>98</sup> Cf. chap. iv, §§ 14, 15.

## CHAPTER VIII

### THE OPIUM QUESTION

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§ 1. THE opium-producing poppy is mentioned in Chinese literature early in the Tang dynasty (from A.D. 618), and the medicinal use of its seeds is referred to in the "Herbalist's Treasury," composed in 973. A medicinal writer of the twelfth century mentions the use of the capsules in preparing a paste "made up into cakes shaped like a fish," and further references to the "fish-cake" paste occur in writers of the thirteenth and fourteenth centuries, one of them stating that "it is used also for diarrhoea and dysentery accompanied by local inflammation; though its effects are quick, great care must be taken in using it, because it kills like a knife."<sup>1</sup> This paste is opium, but mixed with the impurity of the vegetable substance of the capsule. The first reference to scoring the fresh capsule in situ to obtain the unadulterated juice which, when inspissated and after manipulation, is opium, is in the writings of Wang Hi († 1488), who was for twenty years governor of Kansu, where he would come in contact with Mohammedans, from whom he could learn of Arab arts and industries. In the "Eastern Treasury of Medicine," a Korean work of the same period, is given an exact account of the method of scoring the capsule, gathering the exuded juice and drying it in the sun, much as is the practice to-day. The "Introduction to Medicine," by Li Ting, in the middle of the sixteenth century, gives a

<sup>1</sup> An interesting treatise on the merits and demerits of opium used medicinally is found in "The Mysteries of Opium Revealed, by Doctor John Jones, Chancellor of Landaff, a Member of the College of Physicians in London, and formerly Fellow of Jesus College in Oxford. London: printed for Richard Smith at the Angel and Bible without Temple Bar, MDCC."

similar account of the method of preparing opium, under the name *afuyung*, from *afyûn*, the Arab equivalent of the Greek *ὀπιον*, opium.<sup>2</sup> In the coast provinces of China the name opium has been transliterated into *ya-pien*, but in Yunnan, always under Mohammedan influence, opium of indigenous production is to this day referred to in official documents, tax receipts, etc., as *fuyung*,<sup>3</sup> which, except as a truncated form of *a-fuyung*, is unintelligible in Chinese. The opium poppy has, then, been known in China for at least thirteen centuries, its medicinal use for nine centuries, and that the medicinal properties lay in the capsule for six centuries; and opium, in its modern form, has been produced in China for four centuries and more.

§ 2. Speaking generally, while all other opium-using peoples take it by the mouth and stomach, the Chinese alone smoke it; and opium-smoking came into China through tobacco-smoking. The Spanish entered the East through the West, and brought with them to the Philippines the American narcotic tobacco; their trade with China was conducted through Chinese traders from Amoy and Chinchew,<sup>4</sup> and by this channel tobacco was introduced into Fukien about the year 1620, and thence into Formosa, which was in process of being colonised from Amoy and its vicinity. Tobacco-smoking was as obnoxious to the Chinese emperors as it was to the contemporary King James the Sixth of Scotland and First of England; and the last emperors of the Ming and the earlier Tsing emperors fulminated against the vice, issuing one prohibitory edict after another. All these edicts were disregarded, and to-day, with few exceptions, every man, woman, and weaned child in China is a tobacco-smoker.

Formosa is a land of jungle and malarial fever, and, where malaria prevails, opium is a natural resource; and, to counteract its poison, the early colonists mixed with their tobacco opium and arsenic; the latter is still used by the Chinese in what they call "water tobacco," and is prescribed by Western physicians in obstinate cases of malaria, when for any reason quinine cannot be administered. The Dutch were masters of

<sup>2</sup> General authority for this section, J. Edkins, "The Poppy in China." For a somewhat more detailed account of the early history of opium in China, see the author's "Trade and Administration of the Chinese Empire," chap. xi.

<sup>3</sup> "Decennial Reports," 1882-1891, p. 668.

<sup>4</sup> Cf. chap. iii, § 8.

Formosa from 1624 to 1662,<sup>5</sup> and the practice of mixing opium with tobacco was introduced by them into the island from Java, where the practice was prevalent. From Formosa the habit spread to the mainland through Amoy, the metropolis of most of the colonists. There is no evidence to show when opium ceased to be mixed with tobacco; in the account of Lord Macartney's embassy in 1793 the only reference is to "opium and odorous ingredients for smoking," in the section devoted to an account of the use of tobacco;<sup>6</sup> and it is probable that opium was not much, if at all, smoked by itself before the year 1800.

The Emperor Kanghi took Amoy, and conquered Formosa and the country around Amoy in 1683, and then first did the Imperial government come in direct touch with the new vice; but, in an age when edicts were meant to be obeyed, he issued no injunctions against it, nor did he even revive the prohibition of his predecessors against tobacco-smoking. It was left to his successor, Yungcheng, to deal with the matter; and he, in 1729, six years after his accession, issued the first anti-opium edict, ordaining severe penalties against the sale of opium for smoking and the opening of opium-smoking divans, but no specific penalties were prescribed for the smoker.

§ 3. Foreign opium was first introduced into China by the Portuguese trading from Goa and Damán, and in 1729, the date of issue of Yungcheng's edict, the amount did not exceed 200 chests<sup>7</sup> a year; the importation remained in their hands until 1773, by which time the quantity had increased to 1000 chests, the quantity imported in 1767. The fulminations of an Imperial edict, designed to check opium-smoking, cannot have been directed against so insignificant a quantity as 200 chests, and it is clear that, during the eighteenth century, the import of foreign opium was sanctioned as being a medicinal

<sup>5</sup> Cf. chap. iii, § 9.

<sup>6</sup> G. L. Staunton, "Macartney's Embassy," ii, p. 174. I had a note, now mislaid, of a Chinese memorialist about 1855, who states that "opium-smoking was introduced at the beginning of the reign of Kiaking" (1796-1819).

<sup>7</sup> The older statistics never give weight, but only the number of chests. Malwa opium, coming from the states of Rajputana, and Persian opium, are packed in chests of about 100 catties (133½ lb.), and Bengal (Patna and Benares) opium, from the government *régie* of British India, in chests of 120 catties; but, in preparing the drug for smoking, a chest of Malwa will boil down to at least 70 catties, and a chest Bengal to at most 62 catties.

drug. In 1589 a customs import duty had been imposed on a class of commodities which included opium, myrrh, olibanum, and asafoetida; opium was similarly included in tariffs enacted in 1615, in 1687, in 1733 (four years after the issue of the anti-smoking edict); and in the "Hoppe Book"<sup>8</sup> of 1753 opium is included as paying 11s. 3 a picul. From 1729 the import of foreign opium increased, unchecked by the government, at the rate of 20 chests a year, until 1773. In that year, in order to settle conflicts constantly arising between the agents of the English, Danish, Dutch, and French East India Companies having factories in India, the English company assumed the monopoly of all the opium produced in Bengal, Behar, and Orissa; the other three companies were given the right to receive specified quantities in each year; this right was lost through war at dates between 1793 and 1800, but was again granted in 1815 to the French, who were to receive 300 chests a year, or their equivalent in money.<sup>9</sup> In that year, 1773, is the earliest record of English merchants importing opium from Calcutta into Canton; for a few years the traffic was left to private traders, but in 1780 the English East India Company exercised its right of monopoly, and took the trade into its own hands. Under the impulse of the more energetic English traders, the export from India is said to have increased to 4054 chests in 1790.<sup>10</sup> Whatever may have been the case

\* "The Hoppe Book," by Friedrich Hirth, in *Journal of North-China Branch of the Royal Asiatic Society*, 1882.

\* An article on "Opium," by Dr. George Watt, in the "*Dictionary of Economic Products of India*," vol. vi.

<sup>10</sup> From this time on, any figures purporting to show the consumption of foreign opium in China must be recognised as being the resultant of a calculation based on figures obtained under several heads:

- 1°. Bengal opium, Calcutta to Canton.
  - 2°. Malwa opium, Bombay to Canton.
  - 3°. Persian opium, Bombay to Canton.
  - 4°. Malwa opium, Daman to Canton.
  - 5°. Malwa and Persian opium, Goa and Daman to Macao.
  - 6°. Unidentified opium to Macao.
  - 7°. Indian and Persian opium, Singapore to Canton.
  - 8°. Indian and Persian opium, from Singapore clandestinely by junk, continuing to end of nineteenth century.
  - 9°. Unidentified opium from unidentified places by French, Spanish, and Dutch vessels.
  - 10°. Turkey opium, mainly ex-bond from London, and until 1834 entirely by American vessels.
- Statements generally only include 1°, 2°, 3°, and 4°, but even these are not always exact.

in other parts of the empire, in Canton the vice of opium-smoking, supplied there by the foreign drug, was visibly spreading; and in 1796 (in which year the import at Canton was 1070 chests) the Emperor, on a memorial from the Canton viceroy, renewed, with increased penalties, the edicts of 1729 and later years. Four years later, in 1800, the final step was taken, and the Emperor Kiaking issued his edict prohibiting the importation of opium from abroad, and the cultivation of the poppy at home.

§ 4. Up to this date opium was, in the trade of Canton, a commodity like any other; smokers on shore might be warned and the retail vendor might, in some paroxysm of official energy, find his stock raided and himself subjected, possibly to punishment, but more probably to the visitations of the sons of the horse-leech—the substitutes for police in China; but afloat there was no prohibition or restriction. Opium formed part of a ship's inward cargo as much as English broadcloth or Indian cotton, and was handled as openly, and sold in the same way through the ship's security merchant, a member of the Co-hong. The demand for it was welcomed as a means of reducing somewhat the serious drain on the Western world's reserves of silver,<sup>11</sup> which had been occasioned by the withdrawal and retention of the specie required for tea; and for this purpose a similar demand for any other commodity, which the Chinese would have bought, would have been as welcome. After the issue of the prohibitory edict, the trade could no longer follow this course, and a depot was established at Macao, at which place, though they exercised fiscal control, the Chinese authorities could more easily close their eyes. In practice, however, as a consequence of the restrictions and municipal taxes imposed by the Portuguese, the ships with opium more commonly continued to keep it on board up to, and while at,

<sup>11</sup> "The influx of silver from Europe into China within a century (written in 1793) has occasioned a great increase in the price of all articles of consumption, and has altered the proportion between the fixed salaries of the several officers of government and the usual expenses by their respective stations. The ancient missionaries mention in their accounts the extreme cheapness of living at that time in China, but many of the necessities of life are not now lower than in England."—G. L. Staunton, "Macartney's Embassy," ii, p. 496. "A few years ago the exports to China of English goods scarcely exceeded £200,000. The balance for teas and other goods was paid in silver." *Ibid.*, ii, p. 616. Cf. *postea*, § 35.



Whampoa, and to deliver it from the ship's side when sold. During this period, which extended to 1821, the greatest import in any one year only slightly exceeded 5000 chests, the average in the first half (1800-1811) being 4016 chests, and in the second half (1811-1821) being 4494 chests.

§ 5. The two monopolies, the Co-hong merchants<sup>12</sup> and the East India Company,<sup>13</sup> ceased to handle opium at Canton upon the issue of the edict of 1800. From 1809 the Co-hong members were required to give a bond for each ship secured by them, guaranteeing that the ship arriving at Whampoa had no opium on board;<sup>14</sup> the bonds were always given, but they had as much truth and vitality in them as the contemporaneous edicts and regulations, and no more, and ships continued to bring the opium. The East India Company made some attempt to prohibit the shipment of opium from England or India to China, but found it impracticable; and it contented itself with forbidding the carriage of the drug in any of its own ships. Its good faith was so fully recognised that, through all the years which followed, its ships were never subjected to inspection or restraint because of opium. The company, however, besides being a trading corporation, was also the ruler of India, and there it made no change in its governmental, fiscal, or commercial procedure. There it was brought into connexion with opium in three ways:

1°. Bengal (Patna and Benares) opium had been since 1773 a government monopoly. The cultivator could sell only to the *régie* at a price fixed in advance, which up to 1822 was Rs. 2, from 1823 was Rs. 3, and in 1832 had been "increased of late years" to Rs. 3½ a seer<sup>15</sup> (80 seers to a chest). The opium was sold in fixed amounts at public auctions, at first five and then seven times a year, and later once a month. After the sale the company (and government) exercised no further control over this opium.

2°. Malwa opium was produced in the independent native states of Rajputana and Central India, and, prior to 1843,<sup>16</sup> their opium found an

<sup>12</sup> Hunter, "Fan-kwae," p. 79. Report of Comm. of H. of Commons, 1830. Evidence of C. Marjoribanks (President E.I.C. select committee.): "Q. 729. Have you ever known the Hong merchants deal in opium? A. Never, to my knowledge." Evidence of John Aken: "Q. 1995. To whom is it generally sold? A. It is generally sold to outside men. Q. 1996. Do the Hong ever purchase opium? A. I believe not."

<sup>13</sup> Williams, "Middle Kingdom," ii. p. 378.

<sup>14</sup> *Ibid.*, p. 378.

<sup>15</sup> Comm. H. of Commons, 1832, evidence of Langford Kennedy.

<sup>16</sup> Sind was annexed in 1843, thereby converting Karachi into a British port, and cutting off Rajputana and Central India from access to the sea except through British territory.

external market by three routes. (a) Opium through Bombay, subjected to a transit duty of Rs. 175 a chest; in 1835 it was found that transit through Damán was increasing at the expense of Bombay, and the duty was lowered to Rs. 125.<sup>17</sup> (b) Opium through the independent port of Karachi, thence to the Portuguese port of Damán, whence it was shipped by Parsees.<sup>18</sup> (c) In 1822, as a means of counteracting the competition of Malwa with Bengal opium on an increasing market in China, it was decided to buy 4000 chests a year, and add them to the periodic auction sales at Calcutta.<sup>19</sup>

3°. Persian opium came down the Gulf and went to Karachi, Damán, and Bombay, consigned to the Parsee merchants; but it only came into prominence in the later years of the opium controversy.

Up to 1834, at least, Turkey opium never came into English hands, as the company's monopoly prohibited outside English traders from shipping any commodity from any port west of the Cape of Good Hope, and the company itself did not handle opium.

§ 6. During the first twenty years of prohibition of the import, it may fairly be said that no serious attention was paid to the edict. Procedure was modified to some extent, as indicated above; no customs duty could be levied on the prohibited article; and the opium could no longer be taken to the factories, but must be sold by sample, and delivered, on a delivery order, either at Macao or from the ship's side at Whampoa. Otherwise the principal difference was that for the customs duty, levied according to a moderate tariff with arbitrary but more or less defined accretions, was substituted a no less arbitrary, but much less defined, assessment, designed to secure complaisance in the minor officials, who were in a position to observe, and acquiescence in the higher officials, with whom it lay to order, control, and execute; but, as the former duty had been paid directly by the security merchant, so the later assessment was paid by the Chinese buyer, who was not of the Co-hong. The foreign importer received "spot

<sup>17</sup> G. Watt, *op. cit.*

<sup>18</sup> I have been able to find no note of the taxes imposed at Damán. The route followed was Malwa, Pali, Jesalmir, Karachi, Damán, entirely avoiding territory then under British governance.

<sup>19</sup> Letter of Gov.-Gen. and Council in Bengal to Court of Directors, July 10th, 1829, appended to Report, Comm. H. of Commons, 1831. It had been debated whether the Bengal restrictions should be introduced into Malwa, but had been decided that it would be an "improper interference in the internal affairs of foreign states, that it would paralyse the trade of those states, and that it would render our government universally unpopular."

cash"<sup>20</sup> for his sales, and concerned himself no further in the matter; the Chinese buyer made all his arrangements with the officials, and, these being settled, found that all eyes were closed, even those on preventive and guard boats lying alongside the importing ship.<sup>21</sup>

§ 7. In September 1821 a quarrel occurred between the officials whose duty it was to receive the illegal levies on opium at Macao, and others in closer touch with the viceroy, and the former was charged with the offences under the anti-opium edict, of which he had actually been guilty. The viceroy, though fully aware of these offences, which had hitherto been condoned, was now forced to notice them; and he visited his wrath on the Hong merchants, who had given bonds for the ships bringing the opium.<sup>22</sup> The senior Hong merchant was held responsible for what had gone on, and was mulcted accordingly; and a proclamation was issued, drawing the attention of the three principal culprits—British, American and Portuguese—to the enormity of their offence, and warning them that the prohibitory edict would be rigidly enforced in future. This action turned the prohibition into something serious, and, both Macao and Whampoa being closed, the first step taken was to discharge all opium outside Chinese jurisdiction into ships which remained outside; and the next step was to establish permanent receiving ships, remaining during the winter months at Lintin, and moving for safety during the south-west monsoon to Kapsingmoon, Kapsuimoon, and Hong-kong anchorages.<sup>23</sup>

§ 8. The trade at Lintin was carried on in the same way as

<sup>20</sup> Comm. H. of Commons, 1830, evidence of John Aken (an importer): Q. 1998, 1999; W. S. Davidson (an importer): Q. 2525, 2547, 2573; *Ibid.*, 1832, John Shepherd, Q. 2908. Sel. Comm. H. of Commons, 1842, evidence of W. Jardine, Q. 1431.

<sup>21</sup> Comm. H. of Commons, 1830, evidence of H. Magniac: Q. (no number); C. Marjoribanks: Q. 712, 713, 714, 719, 724; John Aken: Q. 2000, 2001, 2002, 2006; W. S. Davidson: Q. 2532, 2547, 2549, 2576, 2585. The evidence cited above refers generally to the period 1800–1820. For publicity and connivance of officials in the later period, 1821–1839, see Report of Sel. Comm. H. of Commons on the Trade with China, 1840, evidence of R. Inglis: Q. 645–686; W. Jardine: Q. 1423, 1432–1455, 1535–1536, 1579–1589; A. Matheson: Q. 2436–2444.

<sup>22</sup> Williams, "Middle Kingdom," ii, p. 379.

<sup>23</sup> Lintin and the other anchorages were within, or at the entrance to, the Canton estuary; but on both sides they were treated as being in the "outer seas."

formerly at Whampoa, but with more facility and fewer risks,<sup>24</sup> and it flourished under the stimulus of prohibition and concealment.<sup>25</sup> The procedure has been often described, but a brief account must be given here. A ship arriving with opium<sup>26</sup> on board called in at Lintin and discharged it into the store-ships, and then went on to Whampoa with her legitimate cargo. The consignee sold by sample for cash—never, at first, and only occasionally in later years, on credit—and gave the Chinese buyer delivery order. The latter made all arrangements with the officials, and took delivery from the store-ship. There the opium was always taken out of the chest, which did not leave the ship, and was packed in mat bags of convenient size and placed in fast armed boats, with crews of fifty to seventy men. This was done in the face of day, with no concealment, and frequently in full sight of the guard-boats, which were constantly going in and out of the anchorage. Frequently the guards would report that they had swept the outer seas of shipping, which was quite unconscious of the fact; often a proclamation was issued by the viceroy commanding ships in the outer seas to sail away, which they never did; but never, until 1836, was Lintin mentioned by name, and never until then was there any real attempt to stop, or even to check, the trade. Occasionally a newly arrived official in high position would have to take his time to understand the situation, and the machinery would temporarily be dislocated; then a buyer

<sup>24</sup> Comm. H. of Commons, 1830, evidence of W. S. Davidson: "Q. 2548 . . . A. I should say that I do not believe there is much difference in the trouble, but a vast difference in the anxiety, because in the one case they were liable to seizure any day, in the other case they lie in a spot where they can defend themselves. Q. 2549. You mean to say that the trade whilst the ships lay at Whampoa was more difficult than it is now? A. More full of anxiety; there was no difficulty in it; it was a very good business. Q. 2551. With regard to the smuggling of exports? A. In exports, I smuggled very largely of silver, because it was a prohibited article, and so was tutenague (spelter); and the rule which guided me was that I would smuggle the articles which were prohibited, but not those upon which a direct duty was laid." Cf. also evidence of J. A. Maxwell.

<sup>25</sup> The concealment lay in the fact that the delivery could be made at places where the officials need not necessarily be observant. There was no concealment in the trading. Market prices were printed in the Canton newspapers quite openly, and were found to be in the hands of buyers along the coast; and the Chinese buyers at Canton also published market quotations. Cf. Comm. H. of Commons, 1830, evidence of J. A. Maxwell and Capt. John Mackie. Cf. also n. 21.

<sup>26</sup> At Canton opium was then, and is to this day, in common parlance, called "tea," i.e. imported tea.

might return with the tale of his difficulties, and would get his money back ;<sup>27</sup> but always the machine was set running again, and the trade went on. Being a cash trade on an open market, it was attended with far fewer difficulties than the sale of English or American products, which must be sold to the security merchant on credit ; and it offered the easiest way of providing the means of getting a return cargo.<sup>28</sup> The result was an expansion of the trade, the import increasing from an annual average of 4494 chests in the period 1811-1821, to an average of 9708 chests in 1821-1828.

§ 9. The Lintin period, from 1821 to 1839, divides itself naturally into three phases, the first being that of the simple procedure described above, from 1821 to 1828. In the latter year, the viceroy issued a proclamation denouncing the evils of opium-smoking, and ordering the rigorous enforcement of the laws ;<sup>29</sup> and from the same year other ships began to follow in the steps of the ship *Mérove*, the first to trade in opium along the coast to the east and north.<sup>30</sup> Soon store-ships were stationed at Namoa, on the border between Kwangtung and Fukien, and elsewhere farther north, to serve as depots of supplies for the brigs and schooners which formed the connecting link with Lintin. We have an interesting account of a trip to the east coast in the American schooner *Rose* with 300 chests on board, some already sold at Canton for delivery at Namoa, others taken "to try the market." Arriving at Namoa, the *Rose* dropped anchor near the "flagship" of the Namoa commodore. He at once paid a visit on board, and was given to understand that the schooner, on her way from Singapore to Canton, had been forced into Namoa by stress of weather ; supplies were promised and an Imperial edict read out, warning ships not to trade. Then, at a private interview, the real business was considered. The commodore opened by the direct questions—"How many chests have you on board? Are they

<sup>27</sup> Comm. H. of Commons, 1830, evidence of W. S. Davidson : Q. 2526, 2547, 2576.

<sup>28</sup> On the general procedure see, among many others, Hunter, "Fau-kwae," pp. 64, seq. ; Phipps, "China Trade," p. 209 ; Comm. H. of Lords, 1830, evidence of Joshua Bates, H. Maguiac ; Ibid., H. of Commons, 1830, C. Marjoribanks, John Aken, W. S. Davidson, Capt. John Mackie ; Comm. H. of Commons, 1832, Capt. John Shepherd.

<sup>29</sup> Gutzlaff, "Hist. China," ii, p. 380.

<sup>30</sup> Corr. rel. China, 1840, p. 119.

all for Namoa? Do you go farther up the coast?"—intimating at the same time that farther along the officials were much more strict, and more inclined to carry out the Imperial orders. Then came the really vital point, of the money to be paid, which was settled satisfactorily. The Chinese buyers came on board as soon as the commodore's visit was over; and, on exhibition of a private signal, the opium, which had been sold for cash at Canton to be delivered at Namoa, was transferred from the *Rose* to the junks which came alongside, within sight of the flagship.<sup>31</sup>

§ 10. Three results followed from this excursion into the eastern districts. At Canton all proceedings which could be characterised as smuggling or bribery were left entirely to the Chinese buyers; but here, in order to facilitate delivery, the foreign vendors for the first time did some—the initial steps at least—of the dirty work of corrupting the agents of government. In the second place, no exchange of commodities was possible, and the money received for opium brought "to try the market," and sold on the spot, was brought back in cash. One ship<sup>32</sup> brought back \$430,000 in gold and silver as the proceeds of opium sold from her and three other ships. Another, the *San Sebastian*, owned by Spanish subjects, under Spanish colours, and laden entirely with opium belonging to British subjects, brought back \$80,000 on one voyage and \$132,000 on the next.<sup>33</sup> It is obvious that, on the arrival of these funds at Canton, they entered into trade, to buy tea or to be exported, precisely as if the transactions had been carried through at Canton; but to the Chinese it was a visible draining of treasure from the eastern districts, and the drain attracted the more attention from the fact that the perquisites of the Canton officials and the prerogatives of the Canton merchants suffered loss from this trade, which passed around them. A third result was a large increase in the consumption of foreign

<sup>31</sup> Hunter, "Fan-kwae," p. 66.

<sup>32</sup> The *Harriet*, belonging to Jardine, Matheson & Co.—Hunter, op. cit. p. 71.

<sup>33</sup> Comm. H. of Commons, 1830, evidence of Capt. John Mackie. To the end of the second Lintin phase the sales were still, for the most part, effected and the money passed at Canton. One contemporary authority states that, in the season April 1833–March 1834, the quantity of Indian (not including Turkey) opium sold at Canton was 19,786 chests, and sold "along north-east coast and at Macao" 1464 chests, making a total of 21,250 chests.—Phipps, "China Trade," p. 237.

opium. From an annual average of 9708 chests in the first Lintin phase, 1821-1828, the import in the second phase, 1828-1835, reached the average of 18,712 chests, nearly double. In the face of this triple result of the east-coast traffic, the officials at various times memorialised the throne, issued proclamations to the people, and sent orders to the Hong merchants; but there was no indication of any real measures to enforce the prohibition of the traffic, other than this flight of documents; and the trade continued and increased.

§ 11. The third phase of the Lintin period was characterised by increased activity in the foreign dealers in opium, by increased complaisance in the agents of government, by the discussion on the question of legalising the trade and the hopes raised by it, and by the final decision of the Imperial government to stamp out opium trading and smoking at all costs. The immediate result was that the import rose to an annual average of at least 30,000 chests for the four years 1835-1839. The foreign importers had tasted blood. Once they had stood aloof, remaining in their offices at Canton, and had done no more than supply to Chinese buyers, at places under full official observation, the opium which was, indeed, prohibited, but which the Chinese government could not compel its own subjects to leave alone; they had no more direct dealings with the agents of government in selling opium than in selling English broadcloth and tin or American quicksilver; legal commodities were, by the arrangements made by the government itself, sold to Chinese merchants—members of the Co-hong—who arranged for payment of all charges, regular and irregular, to the officials; and illegal opium was also sold to Chinese merchants—not members of the Co-hong—who also arranged for payment of the charges which were payable to the officials as inevitably as if the traffic were legal; and the only difference was that the illegal opium gave the foreign merchants a readier means of balancing their trade, without continuing to import specie. In going to the east coast, they had increased their trade, in quantity and in the profits,<sup>31</sup> and this result had been secured

<sup>31</sup> Comm. H. of Commons, 1830, evidence of Capt. John Mackie: "Q. 4447. Have you got better prices for the opium than could be got at Canton? A. Yes. Q. 4448. What was the difference of the price? A. About 100 dollars upon a chest of opium, or 125, and sometimes 150, and sometimes higher."

by their own enterprise. This quality they now applied to the home field at Canton, and they began to smuggle themselves from the store-ships at Lintin, and to deliver it to the buyers on shore—not all of them, not many of them perhaps; but the old days of monopoly, and the control it exercised, were ended, and over the “free” merchants of the following years no proper authority had been established. Practices such as these grow in the practice, and soon there were large numbers of boats, foreign-owned or under foreign control, plying as “passenger boats”; some fifty of larger size, from 30 to 300 tons, outside the Bogue, and thirty or more inside the river.<sup>36</sup> “Almost every part of the river, from the Bogue on the east to Fati on the west of the city, is made the theatre of the traffic.”<sup>36</sup> “In the course of the last two months the number of English boats employed in the illicit traffic between Lintin and Canton has vastly increased, and the deliveries of opium have frequently been accompanied by conflict of fire-arms between those vessels and the government preventive craft.”<sup>37</sup>

§ 12. These practices altered the conditions under which the opium trade had been conducted. The emperor might prohibit the trade, and might renew the prohibition by repeated edicts; the viceroy might issue his proclamation in strict accordance with the Imperial orders, and both viceroy and Hoppo might enjoin on the Hong merchants to obey the law; but viceroy, Hoppo, governor, admiral, magistrate, and down to the smallest person with the slightest connexion with a government office, all connived at the continuous breach of the law, provided only that they found therein their personal profit.<sup>38</sup> This profit they found even greater under prohibition, which enabled them to levy greater amounts, none of which could be reported as revenue; and the fees could be collected without difficulty from the Chinese buyers. Now, however, the foreign smugglers brushed aside the net which had gathered in the illegal fees from an illegal trade, and the officials realised that they were being robbed of the consideration for which they had consented

<sup>36</sup> Chin. Rep., June 1838.

<sup>37</sup> Ibid., Mar. 1838.

<sup>38</sup> Capt. Elliot to Lord Palmerston, April 20th, 1838, Corr. rel. China, 1840, p. 299.

<sup>39</sup> The editor of the Chinese Repository, in July 1834, the month in which Lord Napier arrived at Macao, records: “The laws against opium are severe, but the trade is carried on quite openly, on payment being made to the officials charged with their execution.” Cf. also n. 21.



to shut their eyes; and a war of memorials, edicts, proclamations, orders, and repression was begun.

§. 13. Before entering on the battle of the memorials, at which this narrative has now arrived, we must consider what it is, this opium question. Is opium-smoking a moral sin, or is it a social vice? Is it to be considered on the same plane of immorality as prostitution, or is it to be likened to gin-drinking? Each student will answer these questions in his own way, but it may be permitted to the historian to point out that the moral sense of the Western world has advanced far since a hundred years past; even then there were men, ahead of their time, whose opinions in these matters were such as we hold to-day, but, in general, morality and what we term civilisation made fewer demands upon mankind then than now. Buying, transporting, and selling slaves gave profit to many English and American shipowners through the eighteenth century, and it was not until 1807, after the issue of the emperor's opium-prohibition edict, less than a generation before the date we have now reached, that the slave trade was prohibited to the people of the two countries; while slave-holding was not abolished in the British colonies until 1833, toward the close of the second Lintin phase, and did not end in America until a generation later. No restraint whatever was placed upon the sale of gin in England—"drunk for a penny, dead drunk for twopence," was the notice—until 1735, but the Gin Act had to be repealed in 1742 owing to the riots and disturbances it occasioned; and it was not until well into the nineteenth century that the government could place any effective restraint on the free use of spirits;<sup>39</sup> and if now, in the twentieth century, the sale of spirits to the natives of Africa is recognised as a social and moral evil, no one ventures to propose to prohibit the shipment of wood-alcohol and potato-spirit from Hamburg, Liverpool, and Baltimore. State lotteries were abandoned in England in 1826, within the Lintin period; public gaming was not suppressed for some time afterward, and the community has not yet succeeded in suppressing public betting. By a common instinct the English and American people have refused to give

<sup>39</sup> Cf. also Phipps, "China Trade," pp. 209 seq. "It was not till well into the nineteenth century that efficient regulations and energetic supervision brought the traffic [in spirits] in these countries under public control."—"Encyc. Brit." s.v. Whisky.

state regulation to prostitution, and have adopted instead the policy which the Chinese adopted for opium-smoking, viz., total prohibition; and yet he would be a bold man who asserted that there was less of that form of immorality in London and New York than in other large cities where other views are held. All these considerations must be borne in mind when we attempt to judge the motives and actions of those Chinese who wished to prohibit their national vice; of those Chinese who preferred to regulate it; of those Chinese whose voice was for prohibition, while their acts really encouraged the trade; of those foreign governments which considered security of person and property before the social legislation of the Chinese; of those foreign merchants who engaged in a trade which the spirit of the time generally did not condemn, and which they saw condoned by the Chinese officials at those ports at which they traded; and of the people of the West who would not allow the Chinese, in their pursuit of their own moral aims, to ride roughshod over the rights of their countrymen. And we must especially beware of regarding the men of the fourth decade of the nineteenth century in the light of the first decade of the twentieth.

§ 14. In June 1836, Hsü Nai-tsi, who acted as provincial judge at Canton in 1834, and was now vice-president of the Sacrificial Court at Peking, a post of more honour than profit, sent to the emperor a memorial in which he proposed the legalisation of the opium import trade. He reasoned on the following lines. Opium, known under the Ming dynasty (1368-1644) as *afuyung*,<sup>40</sup> has a medicinal value, though, used to excess, its effects are injurious; and, during the reign of Kienlung (1736-1795), and previously, it was included in the customs tariff at a duty of Tls. 3.00, with a surtax of Tls. 2.45, making a total of Tls. 5.45 a picul. Up to 1796 the vice of opium-smoking was punishable by the cangue (pillory) and bamboo (flogging); but since then the penalties have been increased materially, even to transportation in various degrees, long terms of imprisonment, and death. The increase in severity has been of no avail, and smokers have increased in number. Formerly imported opium was exchanged for exported goods, but now it is clandestinely sold for money; and as the import has risen from a few hundred chests at the beginning of Kiaking's reign

<sup>40</sup> Cf. ante, § 1

(1796) to upwards of 20,000 chests at the present time, the drain on the country amounts to ten and more million dollars, or a full ten million of taels. In this way the foreigners no longer find it necessary to import silver, but have begun to export it. The price of silver is therefore higher, a tael formerly exchanging for 1000 cash, now exchanging for 1200 or 1300, whereby the people are impoverished. To cut off the entire trade in order to stop opium is impossible, as evidenced by the doings to the east, and even in the north. Again it is said that the increased import is due to the connivance of the officials. "The laws and enactments are the means which extortionate minor officials and worthless scoundrels use to benefit themselves; and the greater the severity of the laws, the larger and more numerous are the bribes paid to the extortionate underlings, and the more subtle are the schemes of such worthless scoundrels." The way in which the trade was driven to Lintin, and the procedure there, are then described, as above in § 8. All efforts to prevent smuggling are in vain, so great is the desire for gain; and besides, many robbers, on pretence of being government agents, plunder and extort money. Opium-smokers are the worthless in the community, and can well be spared; but measures cannot too soon be adopted against the drain of the country's wealth. The laws against opium are quite inoperative, and must be repealed; the importation should be legalised, on payment of the customs duty, as a medicine, but the opium should be sold only to the Hong merchants, and only in exchange for goods; the sale of opium for money, and the export of treasure, coined (i.e. foreign) or in ingots, should alike be prohibited. The prohibition of smoking should still be continued for officials, scholars, and soldiers, but the penalties should be moderate, since then they are more likely to be enforced. It will not lower the dignity of the government to sanction the use, while checking the abuse; and the important gain will be to restrict the outflow of the precious metals from the central land.

On June 12th an Imperial rescript ordered that this memorial should be sent to the viceroy and governor at Canton, to be considered and reported on by them, in conjunction with the Hoppo.<sup>41</sup>

<sup>41</sup> Corr. rel. China, 1840, p. 156; Chin. Rep., July 1836.

§ 15. The viceroy and governor called upon their subordinates for reports on the subject-matter of the memorial—on the provincial treasurer and judge for their views on currency, and on the Co-hong for their views on the conduct of trade. The Co-hong merchants presented their petition in reply during July :

1°. The clandestine shipment of silver in ingots was done, not by the Hong merchants, but by outside men ; and it was impossible for the Hong merchants to check it.

2°. On the exchange of foreign imports for Chinese products, the Hong merchants described their present procedure, and recommended its continuance, i.e. that their monopoly should not be touched.

3°. It was pointed out that it would not be possible to enact that the proceeds of sale of opium should all be taken in goods to be exported by the same ship, but that the surplus (over the 30 per cent. now allowed to be shipped in silver) was lent to others for the purpose of exports [in other words, was used to buy bills of exchange]. The present procedure and shipping allowance for other commodities should therefore be extended to opium, if the trade were to be legalised.

4°. If legalised, the trade in opium, as in other products, should be restricted to Canton.<sup>42</sup>

§ 16. The treasurer and judge reported in August on a side issue. They advised that the circulation of foreign coined money should be permitted, and that the representations against its circulation, made in a memorial by the Censor Shenyung, should be disregarded. This money provided a convenient medium of exchange for the inhabitants of the coast provinces, for the traders along the coast, and for the foreign merchants. Foreign coins should, however, pass by weight, and the export of silver in ingots should be prohibited.<sup>43</sup>

§ 17. The viceroy and governor memorialised, as instructed, in September. The old enactments against opium-smoking, and the more recent edicts against its importation, had all failed ; and the evils of the vice had increased through the very greatness of the failure. The memorialists therefore expressed their full approval of the proposal to legalise the traffic, and to admit opium on payment of customs duty ; and, in order to check some patent evils, they proposed nine regulations for the change in the trade :

1°. The whole amount of opium imported must be exchanged for goods ; any not exchanged before the sailing of the importing ship to be stored in bond, and disposed of as occasion offered.

<sup>42</sup> Corr. rel. China, 1840, p. 161 ; Chin. Rep., Jan. 1837.

<sup>43</sup> Corr. rel. China, 1840, p. 178.

2°. The cruisers and guard boats must be active in preventing smuggling.

3°. The old regulation, dating from 1818, was that any ship might take away treasure to the extent of 30 per cent. of that ship's import, whether of goods or treasure; that rule to be continued, but the total by one ship not to exceed \$50,000.

4°. Opium, like other commodities, to be sold only to the security merchant selected for each ship by her foreign consignee.

5°. Duty to be levied at the old rate of Tls. 3.000 a picul, with surtax of Tls. 0.300 for melting and Tls. 0.086 for weighing. (A total of Tls. 3.386; cf. *antea*, § 14.)

6°. The price should not be fixed, but opium should be left free to find its natural market level.

7°. The trade to be restricted to Canton; any opium not having passed the Canton customs to be confiscated.

8°. The strict prohibitions existing against the cultivation of the poppy in China should be in some measure relaxed. This is the best way to oppose the foreign supply; but the home production should be under careful regulation.

9°. Officials, scholars, and soldiers should be prohibited from smoking opium.<sup>44</sup>

§ 18. On receipt of this memorial at Peking, a counter memorial was, in October, presented by Chutsun,<sup>45</sup> member of the Council of State and president of the Board of Rites. The laws relating to opium have increased in severity, so there is no want of regulation. When an evil exists, it should be removed, and the laws should not be allowed to become inoperative; but the officials, for want of energy, fail to execute those against opium. The foreign importers cannot themselves distribute the opium, but must rely on Chinese, who smuggle with all the audacity of pirates. In certain cases punishment has been inflicted, showing that the laws could be enforced in all cases. There have been instances of official connivance with prohibited vices like prostitution, gambling, rebellion, and robbery; but occasional abuse of the laws is no argument against their enactment. The foreigners were driven in 1821 from Macao to Lintin; why then invite them to return? As to the proposal to exchange opium for tea and to prohibit the export of silver, even of foreign coins, if the shipment of dollars can be prevented, why not the imports of opium? As to the proposal to relax the restrictions on the cultivation of the poppy in China, the import of foreign opium will not be stopped by that; even now the native opium is produced in

<sup>44</sup> Corr. rel. China, 1840, p. 163.

<sup>45</sup> Chutsun and Hsükiu were Manchus; Hsü Nai tsi a Chinese.

large quantities, and memorials have been received from Fukien, Kwangtung, Chekiang, Shantung, Yunnan, and Kweichow, asking for greater stringency in the existing prohibition. "Of any of these provinces except Yunnan I do not presume to speak; but there I can say that the poppy is cultivated all over the hills and open plains, and that the quantity of opium annually produced there cannot be less than several thousand chests." Yet silver continued to be exported. Moreover, if fertile ground be given up to poppy and no longer sown in foodstuffs, it would be as if an external ailment were so treated as to drive it inwards. The influence of opium on commerce is, however, of minor importance; the chief objection to it is that it corrupts and enfeebles the people; and it is for that purpose that the red-haired English have introduced it into China, imitating in that the other red-hairs [the Dutch], who by means of it conquered Java. Measures should be taken to guard against this danger. The late Emperor in 1818 directed the viceroy at Canton to control and restrain the barbarians, enjoining on him, if they transgressed, to be lenient and forbearing, but, if they persisted in their transgression, then he must adopt strong measures. Opium is ruining the army, but nothing short of total prohibition will save the soldiers from ruin, and the officials and scholars will share the same fate. The morals of the common people, too, are low; and, if all restraining influence is removed, they will all be debauched, and opium will become as their daily meat and drink. The emperor is therefore urged to order the viceroys and governors in all the provinces to redouble their efforts for the enforcement of the existing prohibition, and to warn all offenders that they will be subjected to the full penalty of the law.<sup>46</sup>

§ 19. At the same time Hsükiu, sub-censor over the Military Department, also presented a memorial in favour of total prohibition. Silver, which formerly was plentiful, is daily becoming more scarce, owing to its illicit exportation, the amount so lost to the country every year amounting to ten and more millions of money; at first it was the foreign coined silver, but now it is Chinese ingots which are lost, and this can only happen through the neglect of duty of the officials. This drain of silver, which in ten years will amount to hundreds of

<sup>46</sup> *Corr. rel. China*, 1840, p. 168; *Chin. Rep.*, Jan. 1837.

millions, cannot be checked by entirely stopping trade, nor by repealing the prohibition against opium. The import of opium and the export of silver are both rightly forbidden; and if one prohibition is removed, how can the other be maintained? The import of opium can be prevented. Foreigners and Chinese are leagued together in the smuggling. First the natives must be dealt with, on the maxim, "First to govern one's self, and, then only, to govern others," and the full penalty of the law must be visited on them. This having been done, we may turn to the foreigners, investigate their conduct, and place them in arrest; then compel them to send the store-ships from Lintin back to their own country. They must also be made to write to their king, telling him that opium is a poison which is injuring the Chinese; that Chinese smugglers have been severely punished; that, in consideration of the fact that they are barbarians and aliens, the government does not now sentence them to death; and that, if the opium trade is altogether abandoned, they will be graciously released and allowed to trade as usual; but, if they again have store-ships and bring them here to entice the Chinese, their trade will be stopped entirely, and the resident foreigners of the nation at fault will assuredly be condemned to death. If this course is adopted, they will surely see the danger, and flee from it, and these barbarians will no longer dare to slight and condemn our government. Furthermore, it is the practice of foreigners to sit in sedan chairs and hire Chinese to carry them, to live licentious lives, to indulge in acts of violence, and to break the laws in every way. Prompt measures should be adopted to check all these practices and to enforce the laws; and this, too, can best be done by executing the laws on the traitorous Chinese who abet them.<sup>47</sup>

§ 20. On receipt of these two memorials, the Emperor ordered the authorities at Canton to consider the matter again most carefully; to investigate all the charges brought of bribery, illicit sale, violence, and irregular practices; and, having determined on the steps to be taken in order to stop the evil at its source, they were again to present a true and faithful report.<sup>48</sup> A further Imperial edict of January 26th, 1837, strictly prohibited the export of uncoined silver.<sup>49</sup>

<sup>47</sup> Corr. rel. China, 1840, p. 173.

<sup>48</sup> Ibid., p. 178.

<sup>49</sup> Ibid., p. 191.

§ 21. This flood of memorials, ending without a definite immediate settlement, worked mischief. The opium importers had begun to take those active and aggressive steps which resulted in an increase in the import from an annual average of 18,835 chests in the second Lintin phase (1828-1835) to fully 30,000 chests in the third phase (1835-1839); and they now saw a prospect of an unfettered trade, with hopes so confidently held that they could not credit the reality of the repressive measures which form the history of the next two years. Captain Elliot unquestionably echoed their opinions when he wrote on July 27th, 1836: "The formal and final orders [to adopt the policy of Hsü Nai-tsi's memorial] will probably be here in the course of a month or six weeks."<sup>50</sup> Again, on October 10th, he wrote: "We are in expectation of soon receiving the final orders from Peking for the legalisation of the opium. This is undoubtedly the most remarkable measure which has been taken in respect to the foreign trade, since the accession of this dynasty. . . . [The memorials] incline me to believe that it wants but caution and steadiness to secure, at no very distant date, very important relaxations."<sup>51</sup> Again, on February 2nd, 1837, when the adverse memorials had come into his hands, he wrote: "Vague reports had reached the factories . . . that the court was seriously contemplating the legalisation of the opium trade. Little credit, however, was attached to these rumours; but I confess I was one amongst the very few persons who thought they were well founded, and, notwithstanding all the actual degree of rigorous prohibition, I am still of opinion that the legal admission of the opium may be looked for."<sup>52</sup> Captain Elliot showed himself always incurably optimistic, seeing generally what he wished to see; but the editorials of the Chinese Repository, which was not at any time friendly to opium, gave voice to the same opinions: "Unless a counter memorial should induce the Emperor to set aside the recommendations of Hsü Nai-tsi, backed, as we think they are, by at least one cabinet minister (Yuenyuen),<sup>53</sup> we may expect, ere many months have passed, to see opium legally imported."<sup>54</sup>

<sup>50</sup> Capt. Elliot to Lord Palmerston, Corr. rel. China, 1840, p. 137.

<sup>51</sup> Ibid., p. 138.

<sup>52</sup> Ibid., p. 153.

<sup>53</sup> Yuenyuen had been formerly viceroy at Canton, and it was he who ordered the opium ships away from Whampoa and Macao in 1821.

<sup>54</sup> Chin. Rep., July, 1836.



Six months later, when Chutsun's memorial had been received: "It is supposed by some that the Emperor has already entrusted the viceroy with discretionary power to admit it [opium] or not, and that his excellency, partly as a compliment to the court, and partly to screen himself against future animadversion, has referred back to Peking for express commands. Be this as it may; most vigorous efforts, as on some former occasions, are being made to stop the smuggling."<sup>55</sup>

§ 22. The first step taken was an order to the Hong merchants,<sup>56</sup> dated November 23rd, 1836, for the expulsion from Canton within fifteen days of nine foreigners (four English, three Parsee, one American, and one uncertain, being either an Englishman or an American having similar names), who were charged with being connected with the opium trade; a later order<sup>57</sup> of December 13th, extended the time for their expulsion to four months, up to April 4th. Captain Elliot protested against this order, on the ground that the persons involved in it had in their hands important interests as agents of absent principals living in England;<sup>58</sup> but he seems to have overlooked altogether the true gravamen of the act. These persons were among the leading merchants of Canton, and the charge against them was based, not on any proved facts, but on general notoriety; the Chinese authorities had found it out of their power to deal directly with the acts of smuggling, or with their own subjects engaged in them, or with their own agents whose connivance was essential for their success; but, following their doctrine of responsibility up toward its logical end, they held the merchants, who were under their hand, responsible for the acts of those who were not under their hand. Two years later this doctrine was to be developed still further.

<sup>55</sup> Chin. Rep., Jan. 1837.

<sup>56</sup> Corr. rel. China, 1840, p. 183. "An expulsion of several foreigners from Canton is to take place on, or before, the 7th proximo, and that of the whole foreign community at some indefinite future time—else their excellencies the viceroy, governor, and Hoppo, must eat their own words; there are no two ways: for they have put forth an order, declaring that foreigners cannot be allowed to remain in Canton long after the departure of their ships, nor even in Macao beyond a convenient season of the following year (after the departure of their ships); and further, that nine individuals, whose names they mention, must, within half a month from the date of their edict (Nov. 23rd, 1836), hastily pack up their effects and remove from the provincial city; in default of which their houses are to be sealed up. Such are their orders; and they are on record."—Chin. Rep., Nov. 1836.

<sup>57</sup> Corr. rel. China, 1840, p. 185.

<sup>58</sup> Ibid., p. 181.

§ 23. The nine foreigners did not leave, of course; the matter had, as usual, ended with the issue of the order. On the following June 22nd an order was issued, entirely abolishing the "passage boats," in which the opium was smuggled in Canton waters;<sup>59</sup> and on August 4th, on express commands from the emperor, an order that "no foreign vessels are allowed to remain anchored outside the port; and to call on the English superintendent to send away all the receiving ships now anchored in various places within a period of ten days."<sup>60</sup> This followed several preceding "final" orders,<sup>61</sup> and was followed by several others. On August 17th an order called on the English superintendent to explain why he had not conformed to his previous orders, and commanded him anew to "send away all the vessels anchored at Lintin, and other places outside the port, and hereafter no contraband goods, such as opium, must be imported."<sup>62</sup> On September 18th the viceroy returned to the charge—"Foreign countries would not endure contraventions of their laws; how much more must the government of this empire punish the contumacious disobedience of barbarians. The king of England has hitherto been dutiful and respectful . . . and has sent the Superintendent Elliot to Canton to hold offenders in check; but Elliot has not sent the receiving ships away, and is therefore unfit for his position." The superintendent was to order the store-ships away, and make such a report to his king that they should not return.<sup>63</sup> Another order of September 19th required Captain Elliot to stop the traffic to the east coast.<sup>64</sup>

<sup>59</sup> Chin. Rep., June 1837.

<sup>60</sup> Corr. rel. China, 1840, p. 234.

<sup>61</sup> "Kumsingmoon, in consequence of a representation to the viceroy from a deputation of the gentry of that vicinity, is to be henceforth forever closed against foreign vessels. This, too, is on record. The fleet at Lintin, moreover, is to be annihilated, all the 'scrambling-dragons' and 'fast crabs' laid up, and the smugglers themselves hunted out and exterminated. At a distance all this fulmination may look terrific; but here, hitherto, it has appeared to be no more than a shower of rockets in a mild summer's evening."—Chin. Rep., Nov. 1836.

<sup>62</sup> "The convenient and secure anchorage of Kumsingmoon, if the viceroy's orders are to be obeyed, is henceforth closed against all foreign ships. His excellency has issued three successive edicts. In his last, he says, his words are ended."—Chin. Rep., March 1837.

<sup>63</sup> "The discussions on the part of the government about sycee and opium still continue; but 'the fleet' in the meantime has returned quietly to Lintin, the prohibitory edicts [proclamations] notwithstanding."—Chin. Rep., Sept. 1837.

<sup>64</sup> Corr. rel. China, 1840, p. 234.

<sup>65</sup> Ibid., p. 234.

<sup>66</sup> Ibid., p. 235.

§ 24. This series of orders is noteworthy in that the "English superintendent" is recognised as having authority, not only over the persons of British subjects, but over their trading operations as well; and, having found one whom they could so recognise, the officials transferred to him their doctrine of responsibility, and required him to exercise his authority for the prevention of smuggling. Captain Elliot pointed out that he could not distinguish the nationality of vessels which remained outside the port, and disclaimed authority over vessels not under the British flag; he further seized the opportunity to declare that he could not transmit to his king the contents of a document which did not reach him through official channels.<sup>65</sup> The viceroy's hands were forced, and he at once, on September 29th, sent a long statement of his case against the opium trade, not through the Hong merchants, but in the form of an order, as from superior to inferior, addressed to Captain Elliot direct by the Canton Prefect and Hiehtai jointly.<sup>66</sup> In acknowledging the receipt of this order, Captain Elliot declared that his "commission extends only to the regular trade with this empire."<sup>67</sup>

§ 25. In reporting to Lord Palmerston,<sup>68</sup> Captain Elliot drew an alarming picture of the expansion of the opium trade and the development of smuggling, and gave warning that "the continuance of the inertness of the officials is not to be depended upon," while an attempt to check the smuggling might have the effect of turning it into organised piracy. In order to settle the question he urged the despatch of a special commissioner to any point other than Canton, Chusan being recommended, escorted by a squadron of two or three ships; the object being to open direct negotiations with the government at Peking. If, or when, negotiations were opened, the envoy should explain to the Chinese "how impossible it was her Majesty's government could take the steps which had been urged by the Chinese, and how futile they would have been. More than one-half of the opium imported into China came from places not in the dominions of her Majesty; and her Majesty had neither the right nor the power to forbid its importation in foreign bottoms." And even the Bengal opium

<sup>65</sup> Corr. rel. China, 1840, p. 236.

<sup>66</sup> Ibid., p. 237.

<sup>67</sup> Ibid., p. 240.

<sup>68</sup> Nov. 19th, 1837, Corr. rel. China, 1840, p. 241.

might be shipped first to a foreign port, and thence imported into China. His own position at Canton was that this was a subject with which he had no concern. All the arguments of the envoy should be directed to a legalisation of the trade, in order to avoid great evils, and "upon the whole it seems to me that the time has fully arrived when her Majesty's government should justly explain its own position with respect to the prevention or regulation of this trade, give its own counsels, or take its own alternative course."

§ 26. Ten days later, November 29th, Captain Elliot hauled down his flag as a consequence of attempting to follow Lord Palmerston's instructions of June 12th, that he was not to use the form of petition, and that he was to insist on direct communication with the officials.<sup>69</sup> On November 20th, the viceroy sent to the Hong merchants an order, warning them that, if the opium ships were not sent away, the whole trade would be stopped;<sup>70</sup> and on December 30th, he memorialised the throne, reporting what had been done to suppress the opium traffic, incidentally stating that at Lintin, besides English, there were American, French, Dutch, Spanish, and Danish ships, and suggesting the stoppage of the trade.<sup>71</sup> This intention was not, however, carried into effect.

§ 27. The year 1838 was one of uncertainty and confusion, of lawlessness and the quest of gain on the one side, and of quiescence alternating with stern repression on the other. At one moment the opium trade was to be legalised; and the next, it was to be stopped, the traders expelled, and their vessels destroyed or driven from the country. Many of the native smuggling boats were destroyed and many smugglers imprisoned; but the trade soon found new channels, and was carried in the foreign passage boats and in Chinese government boats.<sup>72</sup> This traffic was very lucrative to both classes, their owners sometimes earning several thousand dollars a week; and they resisted by force any attempt to search or detain them. A few of the ocean-going ships even brought opium within the Bogue for the first time since 1821; and in June the hospital ship at Whampoa, against which charges of smuggling were brought,

\* Cf. chap. vii, § 18.

<sup>69</sup> Corr. rel. China, 1840, p. 250; Chin. Rep., Nov. 1837.

<sup>70</sup> Corr. rel. China, 1840, p. 254; Chin. Rep., Feb. 1838.

<sup>72</sup> Chin. Rep., June 1838.

had to be sold to the Chinese to be broken up.<sup>73</sup> Order after order was issued, and occasionally a seizure of opium was made; when seized it was burned. "This farce is becoming of frequent occurrence, while the sale of the drug is carried on to an extent here never before witnessed; almost every part of the river, from the Bogue to Fati, is made the theatre of the traffic."<sup>74</sup> On one such occasion eight chests were seized: four disappeared in the very act of seizure, and the remaining four, "while in the hands of the police, were metamorphosed into four chests of common earth."<sup>75</sup> The legal trade was dislocated as well; owing to the greater vigilance exercised, it now took ten days before a ship could obtain a security merchant and begin discharging her import cargo.<sup>76</sup> While affairs were in this state, the authorities were recalled from their vacillation by the receipt, in November, of an Imperial edict reprimanding them for their leniency and negligence, and doubtless the shadow of coming events gave them further warning; and they forthwith began a course of proclamations, orders, seizures, and executions.<sup>77</sup>

§ 28. On December 3rd the equivalent of two chests (203 catties) of opium was seized in the act of being landed from a boat in front of the factories, and the porters declared it to have been intended for an Englishman, Mr. James Innes. The authorities ordered that Mr. Innes and the ship from which it came should leave within three days, and that the trade should be stopped until this order was carried into effect.<sup>78</sup> Three days later, owing to a confusion in rendering the sound of names, the authorities came to the conclusion that the original importer was an American, Mr. Talbot, who had sold the opium from the American ship, *Thomas Perkins*, to Mr. Innes, to be by him smuggled to a Chinese broker, A-sien; and the American merchant and his ship were included in the order of expulsion.<sup>79</sup>

<sup>73</sup> Chin. Rep., Dec. 1838.

<sup>74</sup> Ibid., March 1838. Cf. also Phipps, "China Trade," p. 210.

<sup>75</sup> Chin. Rep., June 1838.

<sup>76</sup> Ibid., Dec. 1838.

<sup>77</sup> Ibid., Dec. 1838.

<sup>78</sup> Corr. rel. China, 1840, p. 323.

<sup>79</sup> Chin. Rep., Dec. 1838. Mr. Talbot was perhaps the last merchant then in Canton who could have been suspected of complicity in smuggling. He was a member of the firm of Olyphant & Co., which was perhaps the only one of the (or at least one of the very few) American firms which never, from first to last, had any connexion with opium. In later years, from 1861, as part owners and managers of steamers plying on the Yangtze, they refused to carry opium as freight; and, as some of the shareholders protested against this action, they ultimately sold their steamers and retired from the field.

The security merchant was cangued and publicly exposed. Mr. Talbot cleared himself, though with some difficulty, from what was an absolutely false charge, and Mr. Innes left for Macao on December 16th, having first signed a statement that the opium was his property, and had come from his, an English, ship; but he left only after the security merchant, his landlord, had threatened to pull down his house if he did not go.<sup>80</sup> The security merchant was, as usual, between the upper and the nether millstone.

§ 29. For some time past, the authorities, acting under the edicts of the eighteenth century, had taken proceedings against Chinese who had opened opium-smoking divans, or who sold opium at retail for smoking; and they had arrested many, imprisoning some, confiscating the property of others, sentencing others to transportation to the frontiers, and executing on others the extreme penalty prescribed—strangulation. On December 12th an officer came to the factories and proceeded to set up, in front of the Swedish Hong, close to the American flagstaff, the cross and other implements required to execute a sentence of strangulation against an opium-dealer named Ho Lao-kin. The foreigners, attracted by the bustle, began to assemble. As a first step the American consul struck his flag, as a protest against turning the factory garden into an execution ground. Then the foreigners present forcibly prevented the tent and other appliances from being erected; and, in the face of this determined opposition, the officer withdrew, and executed the criminal in Chaoyin Street, outside the factories. This was just before noon, and by noon a large crowd of Chinese gathered in front of the factories, but making no signs of hostility or ill-will. Had all the foreigners gone into their houses, nothing of consequence would probably have happened; but some among them started to “clear the square,” and trouble began.<sup>81</sup> The situation became serious for a time, and much

<sup>80</sup> Corr. rel. China, 1840, p. 326.

<sup>81</sup> “That day’s riot was simply occasioned by the rash behaviour of various individuals, who struck and drove back the Chinese crowd with sticks; had the foreigners retired to their houses immediately after the implements of execution had been removed, there would not have been any disturbance.” [Canton Register.] “When rashly, and unfortunately, some blows were given, in trying to drive back the mob, who then began to hoot, and some foreigners, armed with sticks, charged the multitude and drove them to some distance from the houses, things began to wear a more serious aspect.” [Canton Press.] Cited in Chin. Rep., Dec. 1838.

excitement prevailed. The Chinese numbered eight or ten thousand, and among them a handful of headstrong foreigners dashed, cudgelling all who came in their way, and continuing this conduct despite the valleys of stones and brickbats, and the angry shouts which came from the crowd. By half-past one the mob was master of the square, and raged around, throwing stones at the windows of the factories and pulling down the railings. The Hong merchants tried in vain to still the waves, and the crowd held their ground. About four o'clock the district magistrate (Namhoi Hien) appeared with a body of about twenty soldiers; he pounced on three or four of the ringleaders, and, by a free use of the rattan, the crowd, in its thousands, was soon cleared from the factory grounds.<sup>82</sup>

§ 30. The Chamber of Commerce wrote protesting to the Viceroy against the attempt which had been made to turn the place which had been used for a century by foreigners for their recreation, into a public execution ground; and they excused their conduct in the riot by pointing out that the crowd was attracted there in the first place by the illegal use to which it had been intended to devote the square. In his reply, the viceroy declared that the factory grounds, though granted temporarily for the use of the foreigners, were still the territory of the Celestial Empire, and that it was presumptuous for the foreigners to complain; moreover, the foreigners were warned that there might be more of such executions, on that spot, of offenders against the anti-opium laws, and that this particular execution was ordered to be carried out at the factories of express design, and was intended "to challenge attention, to arouse careful reflection, and to cause all to admonish and warn one another; in the hope that a trembling obedience to the laws and statutes of the Celestial Empire might be produced, that the good portion of the foreign community might thereby preserve for ever their commercial intercourse, and that the depraved portion might be prevented from pursuing their evil courses. Those foreigners, though born and brought up beyond the pale of civilisation, have yet human hearts, and ought surely to have been impressed with awe and dread, and self-conviction!"<sup>83</sup>

<sup>82</sup> Chin. Rep., Dec. 1838; Hunter, "Fan-kwae," p. 74.

<sup>83</sup> Chin. Rep., Dec. 1838.

§ 31. The attitude of the British government toward the events of December 12th is indicated in Lord Palmerston's despatch of April 15th, 1839—"I wish to be informed whether the foreigners who resisted the intention of the Chinese authorities to put a criminal to death in the immediate front of the factories were British subjects only, or the subjects and citizens of other countries also. I also wish to know upon what alleged ground of right those persons considered themselves entitled to interfere with the arrangements made by the Chinese officers of justice for carrying into effect, in a Chinese town, the orders of their superior authorities."<sup>84</sup>

§ 32. The embargo on trade, which should have been removed on the departure of Mr. Innes on December 16th, and the formal exculpation of Mr. Talbot,<sup>85</sup> remained in force owing to the events of December 12th. Capt. in Elliot came to Canton on the evening of the 12th. On the 17th he convened a public meeting of all foreign residents; and on the 18th issued a public notice to British subjects: (1°) ordering all boats engaged in the illicit opium traffic forthwith to proceed outside the Bogue; (2°) warning all concerned that if any Chinese were killed by a British subject engaged in smuggling, such British subject would be liable to capital punishment, "as if the crime had been committed within the jurisdiction of her Majesty's courts at Westminster"; (3°) withdrawing protection from smuggling boats when seized; and (4°) warning such boats that forcible resistance to search and seizure was a lawless act. Having learned that the smuggling boats were still at Whampoa on the 23rd, Captain Elliot conceived that a situation had arisen which compelled him to enter into correspondence with the viceroy, and warranted a departure from his strict instructions. He accordingly addressed a petition to the viceroy, asking for official authority and co-operation for what he had attempted to do, and that the reply might come through official channels. The Prefect and Hiehtai thereupon sent their "orders" conveying the viceroy's reply, welcoming the action of the superintendent, and enjoining even greater severity. In the result, the smuggling boats left the inner river, the embargo was removed, and trade was resumed on January 1st.<sup>86</sup>

<sup>84</sup> Corr. rel. China, 1840, p. 325.

<sup>85</sup> Hoppe to Hong merchants, Dec. 18th, Chin. Rep., Dec. 1838.

<sup>86</sup> Corr. rel. China, 1840, p. 326.



§ 33. Legitimate trade at once revived, and was actively pushed, both to make up for lost time and from a vague fear of impending calamity; the opium trade alone received a check. The consumption of the drug had, as we have seen, advanced by strides—4016 chests a year in 1800–1811; 4494 chests in 1811–1821; 8048 chests in 1821–1828; 18,835 chests in 1828–1835; and over 30,000 chests imported in 1835–1839. “The rapid increase in the consumption of the drug has been equalled only by the industry of its growers and purveyors, who at this moment have not less than 50,000 chests, worth at former prices \$25,000,000, ready for market.”<sup>87</sup> The business of delivery had received a check in August, and, month by month, became more dull; brokers were arrested and punished, and many absconded; sales along the coast fell off; many seizures were reported in and around Canton; and a measure, the attempted execution of a criminal in front of the factories, had been adopted, calculated to impress the foreigners and fill their hearts with dread. The last step, combined with the embargo on trade, had been so successful—it had brought the superintendent to his knees and had secured the expulsion of the passage boats—that another strangulation in front of the factories were ordered for February 26th. On this occasion the execution was carried out; there was no riot or disturbance, but the flags then flying—the British, American, French, and Dutch—were struck as a protest, and were not again raised. Captain Elliot protested, under the form of a petition; but the viceroy, having no special point to gain, replied by order addressed to the Hong merchants, and, under his instructions, the superintendent refused to receive it.<sup>88</sup>

§ 34. In the crisis to which affairs had now come, there were, in the minds of the foreign governments, peoples, and merchants, many more questions, and many questions more important, than the opium trade: but to the Chinese that was the only question in dispute. Questions of civil and criminal jurisdiction, of restraints on persons, of monopoly of trade, of irregular and uncertain exactions, of security of person and property—these, the questions actually settled by the war which ensued, were to the Chinese not in dispute at all; they were already settled by the law of nature and the decree of

<sup>87</sup> Chin. Rep., March 1839.

<sup>88</sup> Ibid.

heaven, from whose judgment no appeal could be permitted. But the opium question was one which called for immediate settlement; and that once settled, on lines which must be admitted as just by the whole civilised world, there could be no subject for dispute in the relations between the East and the West. Their decision to abolish the use of the drug and the traffic in it rested on two strong arguments. The moral ground, their desire to save the people from degradation and destruction, is one which we to-day admit to be without an answer; and even seventy years ago, when the Western world had only lately entered on the humanitarian and philanthropic march which has so distinguished the nineteenth century, even then there were few who would deny to other nations the right to take, honestly, an advanced moral position. We may therefore unhesitatingly admit, on behalf of the men of that day, an unqualified approval for the action of the few Chinese statesmen—their emperors, one after the other, among them—who saw the evil, and strove to combat it. On the second ground for their action, the drain of specie, a few words of criticism may be permitted.

§ 35. The earlier adventurers trading to China took with them in each ship sufficient in goods and money to buy a homeward lading; but much time was lost in peddling the outward goods from the ship, and the tendency was to restrict them to those commodities only for which a market was known to exist. Thus we find the English East India Company's "investment" for Amoy in 1678 to have been \$30,000 in specie and \$20,000 in goods;<sup>89</sup> and the court of directors wrote in 1683 referring to "the loss of Bantam to the Dutch and the *Johanna* outward bound to your place, with her stock of £70,000, most bullion."<sup>90</sup> In 1764 the company's remittance to Canton by one ship amounted to \$500,000. Through the whole of the eighteenth century, in fact, the principal movement inwards at Canton was in the form of treasure, supplementing the goods imported, and providing the funds required to buy tea and silk, to maintain the factories, to supply the ships, and to meet the heavy exactions of the officials. For these purposes the goods imported never sufficed: they consisted chiefly of English woollens, a commodity which, in 1906,

<sup>89</sup> Cf. chap. iii, § 13.

<sup>90</sup> Auber, "China: an Outline," p. 146.

provided just over 1 per cent. of China's present-day imports. Other products were in small demand; manufactures of cotton, which, in 1906, constituted 37 per cent. of China's imports, were, in the whole of the period we have been considering, among the chief of the secondary exports from Canton.<sup>91</sup> This was true of trade in English ships down certainly to the year 1817, and from 1826 only was there any considerable export of treasure from Canton by those ships. American ships, down to the year 1826, brought in specie the principal part of their means of buying return cargoes—fully three-fourths; but from 1830 the American merchants discovered that they need no longer import coin, and that the English trade at Canton supplied them with the means of substituting bills on London for the wasteful process of draining the West of its reserves of silver.<sup>92</sup> The trade of the Dutch, French, and others also required the import of silver. From the trade of the eighteenth century, and of the earlier years of the nineteenth, down to 1817, a stream of silver was poured into China and remained there;<sup>93</sup> from 1818 to 1830 the known import of treasure (mainly by American ships) amounted to \$60,000,000, and the known export (entirely by English ships to India) amounted in round figures to \$40,000,000; from 1831 the tide turned, the import was reduced to small amounts, and the trade could be balanced only by increasing shipments of treasure.<sup>94</sup>

<sup>91</sup> "Nankeens.—Those made in China still maintain their superiority in colour and texture over the English manufacture. Price \$60 to \$90 per hundred pieces."—Market report in *Chin. Rep.*, Feb. 1834.

<sup>92</sup> Evidence before Comm. H. of Lords, 1830, Joshua Bates (an American merchant of London). "Q. . . . is there a difficulty in obtaining returns? A. That is a difficulty that would be in some measure removed, probably this very year, by the recent discovery that dollars are no longer wanted there; the Americans now take credit to a considerable extent, and the bills . . . could be purchased as a remittance.

"Q. Where do the Americans obtain those bills?

"A. The Bank of the United States issues bills; the different banking houses of the United States give credits upon London; those bills are taken to Canton, and are there sold, and are bought by the native [presumably Parsee] merchants who trade to Canton with opium; they take the bills to Bombay and Calcutta, they are there sold as remittance to England."

The American trade began from that date to substitute bills for specie in the Canton trade, and took to Canton bills for \$2,480,871 in the season 1831-1832, and for \$4,772,516 in 1832-1833.—Gutzlaff, "*Hist. China*," ii, app. iv. Cf. also chap. iv, § 23.

<sup>93</sup> Cf. ante, § 4, n. 11. The net import of silver at Canton for 130 years, during the eighteenth century and down to 1830, cannot be estimated at less than from £90,000,000 to £100,000,000.

<sup>94</sup> Cf. tables A, B, and C, at end of chap. iv.

In any traffic in which there is a constant movement of the precious metals in one direction to cover a constant balance on one side of the trade account, there is an instinctive effort, not always conscious in the individual, to substitute a fertilising stream of commodities for the barren flow of treasure. At Canton, English products were taken to a certain extent; this was not an increasing trade, and was conducted at a loss;<sup>95</sup> but it was persisted in, since the alternative was to increase largely the shipments of silver from England. Produce from America and the continent of Europe was in small demand; and there was a moderate market for the spices and other products of India and the Southern Isles. Two commodities only were demanded by the Chinese in any great and increasing quantity—cotton and opium. Cotton is produced in the Yangtze basin of China in large quantities;<sup>96</sup> but, so exigent were the demands of the balance of trade, that, in the period we have been considering, large and increasing quantities were imported from India into Canton, the value being overpassed by that of opium only from about 1826, toward the close of the first Lintin phase. The second article demanded was opium, and the rapid increase in its import has been described in this chapter. Down to 1830 the increase in the value did no more than to equalise the balance of imports and exports; but from that time it not only balanced the English bills, but provided the cover for the bills by which the American trade was financed. There was even, in October, 1834, toward the end of the second Lintin phase, a protest from the British merchants engaged in the trade at Canton, against the East India Company's "employing the revenues of India" for the purpose of buying and selling bills, which it proposed to do to the extent of £600,000 in the year.<sup>97</sup>

Every Chinese official is of necessity, because of the method by which his emoluments are secured, a capable financier and banker, within the limitations of his education; and the officials of that time were quick to observe the turn of the flood of silver from inwards to outwards. Though their figure of Tls. 10,000,000,

<sup>95</sup> Cf. chap. iv, § 14.

<sup>96</sup> Export to foreign countries 163,800,000 lb. in 1904; 131,750,000 lb. in 1907.

<sup>97</sup> Corr. rel. China, 1840, p. 48. In 1837 the company's agents bought bills to the amount of \$4,186,663.—Chin. Rep., Oct. 1837.

accepted on both sides of the controversy, was the total value of the opium, irrespective of the amount on a balance of trade, still they took the alarm, and saw clearly that China was now to lose the silver which had come to her during the previous century and more of foreign trade.

The memorialists all point to the increase in the number of cash exchanging for the tael of silver, the rate having risen from 1000 to 1200 or 1300, as a proof of the increase in the value of silver due to the steady drain. This drain had not then gone on long enough to affect more than the local Canton money market, and the increase in the rate is sufficiently accounted for by the state of the copper coinage. China is a country in which there is never any fixed exchange ratio between any of its currencies, even between two currencies of the same metal;<sup>98</sup> but all exchanges are influenced by intrinsic value, and by supply and demand. Numismatists will tell us that, from the full-weight copper coinage of Kienlung (1736-1795), there was a gradual reduction of weight in the Kiaking coins (1796-1820), and a considerable reduction in that of the Taokwang coinage (1821-1850); and the loss in intrinsic value of the copper currency fully accounts for the loss of 20 to 30 per cent. in its exchange value.

Commercially (leaving entirely out of account the social and moral aspect), the true remedy was expansion of trade, and the substitution of goods for treasure as exports. This has now been done. In 1837 opium provided 53 per cent., and raw cotton 22 per cent. of all imports; in 1907 opium provided 7 per cent., and raw cotton 0.4 per cent. of the foreign import trade. In 1837 tea provided 68 per cent., silk and its products 32 per cent., and all other commodities 5 per cent., of the export trade; in 1907 tea gave 12 per cent., silk and its products 34 per cent., and other commodities 54 per cent., of the entire export trade. Then, however, the basic idea in the minds of the Chinese, officials and merchants alike, was monopoly and restriction; and it was on this principle that the ruling powers based their decision to check the commercial drain by absolutely prohibiting the import of opium and the export of silver.

<sup>98</sup> Cf. the author's "Trade and Administration of the Chinese Empire," chap. v., "The Currency."

§ 36. The central government of China prohibited the import of opium from 1800. Seventy years before, it had prohibited smoking, but, at a time when the government was still strong and vigorous, the edicts remained as much a dead letter as the contemporaneous edicts against the national vice of gambling, the foreign import increased by slow degrees, the home production increased rapidly, and smoking spread through the people. So it was with the prohibition of the import; the edict was disregarded, and the import increased—slowly so long as the disregard was absolute, and the trade was still under some degree of oversight, more rapidly when the traffic was driven to Lintin, and all supervision was removed. With the prohibition the levy of customs duty ceased, but otherwise there was no change, except that the irregular sums paid in lieu of duty were treble the duty. It is idle to say that the Imperial officials “were corrupted”; in collecting dues from a prohibited article they did what the official world in China does, and has done since we have had any knowledge of it—they collected every penny they could make the trader pay. When there is a tariff, there are always extra-legal accretions which tend to become more or less stereotyped, but which must be paid;<sup>99</sup> when there is no tariff, the trader pays what he can be induced to pay; and when there is prohibition, the only effect, under normal conditions, is to increase the amounts payable, since the collector can plead the stringency of the law as a reason for not granting what he is asked to grant. In this course all were involved, and from it all derived profit: those who actually could have seized the prohibited opium, the higher officers in control over these, and so on up the line to the Hoppo, governor, viceroy, and still farther up to the ministers of state and their secretaries at Peking, who received their due share of the gross emoluments of the officials in the provinces. The direct result of the corrupt laxity and connivance of the officials at Canton and along the coast was an expansion of the illicit trade greater than that of the legal trade, hampered as the latter was by the monopoly of the Co-hong; and it was to the pecuniary advantage of the officials interested that this expansion should take place, but that the prohibitory law should remain on the statute book to be executed as they saw fit. They were pulled

<sup>99</sup> Cf. chap. iv. §§ 16, 18.

up sharp in the summer of 1838, and the impending arrival of the High Commissioner warned them that their execution of the law was to be made the subject of investigation; and they tried to retrieve in six months the laxity of thirty-eight years, by the rigorous and unrelenting execution of a savage and ferocious law.

§ 37. Of the foreign merchants at Canton there were some who had no connexion with the opium trade; some, in advance of their time, because they would have considered themselves defiled by dealings in the drug,<sup>100</sup> others because they had not sufficient capital or trading credit to secure consignments of it for sale. Many of the merchants, however, English, American and other, had no hesitation or moral scruple in receiving consignments and in selling as many chests as they could bring under their hands. The legal trade was hampered in many ways, and in it the authorised imports could be sold only in such a way that, frequently, the proceeds could not be realised even by way of barter, as was exemplified in the Hingtai bankruptcy.<sup>101</sup> Opium, on the other hand, was invariably sold for prompt cash in advance of delivery,<sup>102</sup> so that the proceeds were immediately available, either for buying tea and silk, or to be shipped away to restart the current of trade; the returns were sure and the commissions gratifying.<sup>103</sup>

In this traffic, besides others, the British and Americans were alike involved,<sup>104</sup> though in different degree proportioned

<sup>100</sup> "Though many of the foreign residents have been concerned in the traffic, yet there is in this community a strong feeling counter to it."—*Chin. Rep.*, Jan. 1837. Cf. also *antea*, § 28, n. 79.

<sup>101</sup> Cf. chap. vii, §§ 24–26.

<sup>102</sup> Cf. *antea*, §§ 6, 8, 10.

<sup>103</sup> "Transactions seemed to partake of the nature of the drug; they imparted a soothing frame of mind, with three per cent. commission on sales, one per cent. on returns, and no bad debts. To the agent each chest was worth £20 sterling, one year with another."—Hunter, "Fan-kwae," p. 72.

<sup>104</sup> "An American missionary has said: 'This traffic is staining the British name in China with the deepest disgrace, as some of the subjects of Great Britain continue to carry on an armed contraband trade in a destructive poison, enriching themselves by merchandising that which impoverishes and murders the poor infatuated and besotted Chinese.' Now, that missionary knew, or ought to have known, that American citizens are fully as much implicated in this affair, in China, as the subjects of Great Britain. There are individual exceptions among the merchants of both nations, but on the whole, both English and American houses in China trade in the drug each to the full extent of their means."—Extract from an essay against the opium trade, by Rev. W. H. Medhurst, D.D., *North-China Herald*, Nov. 10th, 1855.

"I. of course, do not blame my brother merchants at Canton, no matter to

to their opportunities. The English dealt chiefly in Bengal opium from Calcutta, but handled some Malwa as well. The Parsees imported chiefly Malwa from the English port of Bombay and the Portuguese port of Damán, whichever offered the greater advantage. The Americans received considerable quantities of Indian opium, both Bengal and Malwa, on consignment from English merchants and bankers; but they had themselves developed a branch of the opium trade, from which, up to 1834, the English were debarred. They carried Turkey opium, sometimes bought directly in Smyrna, more commonly bought in bond in London, and imported it at Canton in competition with Malwa; <sup>105</sup> in the twenty-nine years, 1806-1834, the declared quantity was 8901 chests, but it has been stated that the quantities were not fully declared.<sup>106</sup>

§ 38. Foreign governments had not yet declared their policy on the opium question. When the inevitable conflict between the East and West was precipitated by events which had occurred in connexion with opium, the American government took no part, nor is it probable that it would have intervened in any way if the question were put as one of giving protection to American citizens engaged in breaches of the national laws of

what nation they belong, as we were all equally implicated."—Hunter, "Fan-kwae," p. 143. Mr. Hunter was an American. On the connexion of Americans with the opium trade, see also "The Chinese and the Chinese Question," by James A. Whitney (New York, 1880), p. 37.

<sup>105</sup> Comm. H. of Lords, 1821, evidence of A. Robertson; Comm. H. of Lords, 1830, evidence of S. Swinton, Joshua Bates, and H. Magniac; Comm. H. of Commons, 1830, evidence of J. F. Davis, C. Marjoribanks, Capt. Abel Coffin, John Aken, and Joshua Bates; Comm. H. of Commons, 1832, evidence of W. B. Bayley and Capt. John Shepherd.

<sup>106</sup> Comm. H. of Commons, 1832, evidence of Capt. John Shepherd: "Q. 2906. What is known of the quantity of Turkish opium? A. It is not so correctly ascertained; sometimes the Americans have stated the amount of their consignments, but we are always in considerable doubt as to the extent of them." The following figures for the import of Turkey opium, taken from Phipps, "China Trade," p. 236, though obviously approximate, are to be compared with those in tables D and E:

Season 1816-1817 . . . . .	750 chests.
" 1817-1818 . . . . .	1000 "
" 1818-1819 . . . . .	700 "
" 1819-1820 . . . . .	200 "
" 1820-1821 . . . . .	30 "
" 1821-1822 . . . . .	500 "
" 1822-1823 . . . . .	226 "

Later Phipps (op. cit. p. 238) has the following note: "The above is exclusive of Turkey opium imported by the Americans, in extent from 800 to 900 chests annually. In 1833-1834 it was 963 chests."



China; and there is no evidence that the other aspects of the crisis were brought to its notice. In point of fact, the opium surrendered in 1839, whether in English, Parsee, or American hands, was entirely British-owned; one lot of fifty chests of Turkey opium, American-owned, was expressly excluded from the surrender.<sup>107</sup> The attention of the British government had been most urgently drawn to the need of coming to some decision on the opium question by a despatch<sup>108</sup> of November 19th, 1837; but no special instructions were sent. The merchants were warned that the government could "not interfere for the purpose of enabling British subjects to violate the laws of the country to which they trade"; and that "any loss which such persons may suffer in consequence of the more effectual execution of the Chinese laws on this subject, must be borne by the parties who have brought that loss on themselves by their own acts."<sup>109</sup> The right of protesting against the attempted strangulation at the factories had also been questioned.<sup>110</sup> But, on the other hand, the superintendent had repeatedly been warned that he must not interfere with the undertakings of British subjects,<sup>111</sup> that he must not assume powers he had no means of enforcing,<sup>112</sup> that he had no power of deportation,<sup>113</sup> and that regulations to be made for the control of the sailors within Chinese jurisdiction should have the prior approval of the viceroy.<sup>114</sup> The only other instructions sent from the death of Lord Napier to the arrival at Canton of the High Commissioner, Lin Tse-sü, related to the mode of access and form of communication to the Chinese authorities.

<sup>107</sup> Hunter, "Fan-kwae," pp. 73, 146.

<sup>108</sup> Corr. rel. China, 1840, p. 241.

<sup>109</sup> Desp. of June 15th, 1838, Corr. rel. China, 1840, p. 258.

<sup>110</sup> Desp. of April 15th, 1839, *ibid.*, p. 325.

<sup>111</sup> Desp. of July 22nd, 1836, *ibid.*, p. 63.

<sup>112</sup> Desp. of Nov. 8th, 1836, *ibid.*, p. 128.

<sup>113</sup> Desp. of Nov. 8th, 1836, *ibid.*, p. 129.

<sup>114</sup> Desp. of March 23rd, 1839, *ibid.*, p. 317.

**TABLE D**  
**OPIMUM, 1800-1821**

YEAR.	SHIPMENTS TO CHINA.				CONSUMPTION.	
	BENGAL (CALCUTTA).	MALWA.	TURKEY.	TOTAL.	QUANTITY.	VALUE.
	Chests.	Chests.	Chests.	Chests.	Chests.	\$
Average : 1795-1796 to 1796-1798	1,814					
1798-1799 to 1799-1800	1,793	2,320	—	4,113		
1800-1801	3,224	1,346	—	4,570		
1801-1802	1,744	2,203	—	3,947		
1802-1803	2,033	1,259	—	3,292		
1803-1804	2,116	724	—	2,840		
1804-1805	2,322	837	—	3,159		
1805-1806	2,131	1,705	102	3,938		
1806-1807	2,607	1,519	180	4,306		
1807-1808	3,084	1,124	150	4,358		
1808-1809	3,223	985	—	4,208		
1809-1810	3,074	1,487	32	4,593		
1810-1811	3,592	1,376	—	4,968		
Average 11 yrs.	2,650	1,324	42	4,016		
1811-1812	2,788	2,103	200	5,091		
1812-1813	3,328	1,638	100	5,066		
1813-1814	3,213	1,556	—	4,769		
1814-1815	2,999	674	—	3,673		
1815-1816	2,723	1,507	80	4,310		
1816-1817	3,376	1,242	488	5,106	3,698	4,084,000
1817-1818	2,911	781	448	4,140	4,128	4,178,500
1818-1819	2,575	977	807	4,359	5,387	4,745,000
1819-1820	1,741	2,265	180	4,186	4,780	5,795,000
1820-1821	2,591	1,653	—	4,244	4,770	8,400,800
Average 10 yrs.	2,824	1,440	230	4,494	4,553	5,440,700

TABLE E  
OPIUM, 1821-1839

YEAR.	SHIPMENTS TO CHINA.						DELIVERIES FOR CONSUMPTION.		
	BENGAL (CALCUTTA).	MALWA.			TURKEY.	TOTAL.	QUANTITY.	VALUE.	
		Bombay.	Damán.	Total.					
	Chester.	Chester.	Chester.	Chester.	Chester.	Chester.	Chester.	\$	
1821-1822	3,298	1,600	678	2,278	383	5,959	5,011	8,822,000	
1822-1823	3,918	1,600	2,255	3,855	—	7,773	7,773	7,989,000	
1823-1824	3,360	1,500	1,535	5,535	140	9,035	7,222	8,644,603	
1824-1825	3,960	1,500	2,063	6,083	411	12,434	9,066	7,927,500	
1825-1826	3,810	2,500	1,563	5,563	—	9,373	9,621	7,608,200	
1826-1827	6,570	2,500	2,605	5,605	56	12,231	10,025	9,662,800	
1827-1828	6,650	2,980	1,524	4,504	—	11,154	9,525	10,425,190	
Average 7 years	4,795	2,026	1,746	4,772	141	9,708	8,043	8,725,600	
1828-1829	4,903	2,820	3,889	7,709	1,256	13,863	14,388	13,749,000	
1829-1830	7,443	3,502	4,597	8,095	715	16,257	14,715	12,673,500	
1830-1831	5,672	3,720	9,136	12,856	1,428	19,956	20,188	13,744,000	
1831-1832	6,815	4,700	4,633	9,333	402	16,530	16,225	13,150,000	
1832-1833	7,598	11,000	3,007	14,007	380	21,985	21,659	14,222,300	
1833-1834	7,808	—	—	11,715	963	20,486	19,362	12,878,200	
1834-1835	10,207	8,985	2,693	11,678	?	21,885	?	—	
Average 7 years	7,207	5,788	4,659	10,899	857	18,712	17,756	13,403,000	
1835-1836	14,851	—	—	15,351	?	30,202	—	—	
1836-1837	12,606	—	—	21,427	743	34,776	—	—	
1837-1838	19,600	—	—	14,773	?	34,373	28,307	19,814,800	
1838-1839	18,212	—	—	21,988	?	40,200	—	—	
Average 4 years	16,317	—	—	18,385	743	35,445	—	—	
Estimated quantity for China, 1835-39	14,000	—	—	16,000	743	30,743	—	—	

## NOTE ON OPIUM TABLES

Every statement regarding the quantities of opium consumed in China appears to differ from every other statement. This arises partly from the fact that a great degree of secrecy was maintained over the trade, but more from a confusion between the different bases for statistics, derived from statements of: (a) Stocks in Calcutta and Bombay; (b) Shipments from Calcutta, Bombay, and Daman; (c) Shipments to Eastern ports; (d) Shipments to China (i.e. Canton and Macao); (e) Shipments to Canton; (f) Arrivals at Canton; (g) Arrivals at Macao; (h) Deliveries, so far as known, for consumption; (i) the Turkey opium imported by the Americans, and not always fully declared. To reconcile all the different statements would be an impossible task; and the figures in the tables have been taken from several independent sources:

(a) Tabular view of the quantity of opium exported from Bengal and Bombay [to all Eastern Ports], 1798-1855, prepared by Rev. W. H. Medhurst, D.D., from official figures, and published in the North-China Herald, Nov. 3rd, 1855.

(b) Statement of the opium exported from Calcutta to China, 1795-1835, prepared by Rev. E. C. Bridgman, D.D., and published in Chin. Rep., Aug. 1837.

(c) Statement of Malwa opium exported from Bombay and Daman to China, 1821-1836 from Bombay Price Current, March 23rd, 1837; also Phipps, "China Trade," p. 235.

(d) Statement of the annual consumption and value of Indian opium in China, 1816-1831, by Capt. John Shepherd (based on accounts kept by Mr. Fox), before Comm. H. of Commons, 1832. Other sources, 1831-1835 and 1837-1838.

(e) Chance references to the Macao trade.

Any opium included in the American trade has been assumed to be Turkey opium, and added to the Indian figures. Cf. evidence Comm. H. of Lords, 1830: Joshua Bates, H. Magniac; evidence, Comm. H. of Commons, 1830: C. Marjoribanks, Q. 732-740; *ibid.*, 1832: W. B. Bayley.

## CHAPTER IX

### COMMISSIONER LIN AND HIS CRUSADE

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§ 1. So many of the office-holding class in China had shared, or hoped to share, in the stream of wealth which flowed from the Canton trade, that it is safe to say that, in 1838, only a few individuals high in the official world honestly desired to abolish the trade in opium; but among them was the emperor, who embodied in his own person the legislative and executive branches of the Imperial government. Taokwang,<sup>1</sup> in succeeding his father in 1820, succeeded to a licentious and rotten court, a disorganised and corrupt government, and an empire honey-combed by rebellion and disorder. The court he reformed and swept clean; the government he tried to reform by edicts, but failed in the Augean task: and his empire became the scene of risings and rebellions, increasing in frequency and in violence

<sup>1</sup> So, from his reign-title, foreigners are agreed in calling the emperor, whose canonised name is Hsian-tsung Cheng Hwang-ti, "Our broad-minded ancestor, the Perfect Emperor"; the one corresponds to "37 & 38 Vict. c. 27," the other to "Her Majesty Queen Victoria."

with every year of his reign.<sup>2</sup> Of all the problems he had to deal with, none exceeded in importance the opium question, and on this he showed no hesitation. If one earnest man could have reformed an unwilling people, Taokwang had done it. His motive was pure and his earnestness unquestioned; but his task was hopeless. By bringing the Imperial power into action, by a free use of drastic punishments, and by a stern policy of repression, acquiescence in the prohibitory law could be obtained temporarily and locally—for so long as repression was continued, and in those places where an honest and zealous official could be found to carry out the Imperial will.

§ 2. Lin Tse-sü was such an official. A native of Fukien, a maritime province, he claimed an "intimate acquaintance with all the arts and shifts of the outer barbarians";<sup>3</sup> but he was already a viceroy at the age of fifty-five; and, as none of his official life could have been spent in his native province—and we are not told of his having served in Kwangtung—his acquaintance with maritime affairs could have been only at second hand. But, while we may allow the usual oriental discount for his assertion of personal knowledge, he must have been an administrator of unusual capacity to have reached his present rank at his present age in a world which gave such weight to years alone, as in the Chinese empire. He was the Wuchang<sup>4</sup> viceroy at this time, when to his hands were entrusted the sword and the sceptre of the emperor, and he was appointed Imperial High Commissioner to investigate and deal with the situation at Canton. A High Commissioner has

<sup>2</sup> An editorial note in the Chinese Repository states that in the fourteen years since Taokwang had come to the throne there had not been one prosperous year; inundations, drought, famine, risings, insurrections, and other calamities were constantly occurring in one province or another. Among the "provinces now suffering" were Yunnan, Hunan, Hupeh, Kiangsi, and Chihli.—Chin. Rep., March 1834. The Peking Gazette of Oct. 11th, 1833, stated that insurrections had recently caused the expenditure of Tls. 30,000,000.—Chin. Rep., Jan. 1834. Insurrection in Szechwan and Formosa, *ibid.*, May 1833; insurrection in Kiangsu, *ibid.*, April 1834; disturbances in Shansi and Hunan, *ibid.*, May 1836; insurrection in Kwangsi, *ibid.*, July 1836.

<sup>3</sup> His order of March 18th, Chin. Rep., April 1839; Corr. rel. China, 1840, p. 350.

<sup>4</sup> Up to this date "the Viceroy" has always meant the Viceroy of Liang-Kwang, having his seat officially at Shuihing, but actually (sporadically before and permanently since 1815) at Canton in his "rest-house," on the site now occupied by the Roman Catholic cathedral. From this time other viceroys come upon the scene, and it is needful to decide how to distinguish them to the foreign reader. Probably the clearest way—and this is the one adopted—

ordinarily powers which override the authority of every official within the jurisdiction,<sup>5</sup> and he is the vicegerent of the emperor within the limits of his commission; but Commissioner Lin's vicegerency was real and absolute, and the power with which he was invested was "such as had only thrice before been delegated by monarchs of the present dynasty."<sup>6</sup> He was the other self of the emperor, who had resolved to stop forthwith both the provision and the smoking of opium, and he was ordered to "go, investigate, and act."<sup>7</sup>

§ 3. Commissioner Lin was commissioned in December,<sup>8</sup> and was "daily expected in Canton"<sup>9</sup> for a long time; he arrived on March 10th, and took up his residence in one of the collegiate halls. Eight days he took to inform himself, while the foreign community waited with bated breath, and on March 18th he issued an order to the Hong merchants, pointing out the error of their ways, warning them of the serious consequences of failing to keep their foreign clients in due obedience to the laws and declaring that one or two of them would be executed. If the opium in the possession of the foreigners were not given up.<sup>10</sup>

§ 4. On the same day he issued another order addressed directly to the foreign merchants.<sup>11</sup> Foreigners had traded and their trade had increased for many years, and if it were stopped the nations would suffer. "Yet more, our tea and our rhubarb; if you are deprived of them, you lose the means of preserving life; but they are without stint or grudging

is to distinguish them, not by their official titles, but by the cities which were the seat of their government, as follows:

Canton Viceroy: Viceroy of Liang-Kwang (Kwangtung and Kwangsi).

Foochow Viceroy: Viceroy of Min-che (Fukien and Chekiang).

Nanking Viceroy: Viceroy of Liang-Kiang (Kiangsu, Anhwei, and Kiangsi).

Wuchang Viceroy: Viceroy of Hu-Kwang (Hupeh and Hunan).

Tientsin Viceroy: Viceroy of Chihli; seat at Paotingfu up to 1870, after that at Tientsin.

The other three viceroys are those of Yun-kwei (Yunnan and Kweichow), Shen-kan (Shensi and Kansu), and Szechwan. Cf. chap. i, § 14.

<sup>5</sup> Cf. chap. i, § 16.

<sup>6</sup> Chin. Rep., April 1839.

<sup>7</sup> Ibid.

<sup>8</sup> His appointment was known in Canton in January.—Chin. Rep., Jan. 1839.

<sup>9</sup> Chin. Rep., Feb. 1839.

<sup>10</sup> Chin. Rep., April 1839; Corr. rel. China, 1840, p. 352.

<sup>11</sup> Chin. Rep., April 1839; Corr. rel. China, 1840, p. 350



granted to you for exportation year by year beyond the seas."<sup>12</sup> If duly grateful for this favour, foreigners should cease to bring opium to the land. The laws against dealing in opium, formerly lax, have been strengthened, and it is intended to impose the death penalty on the crime of smoking it also; and foreigners should pay no less respect to the laws than natives. "I now proceed to issue my commands. When this order reaches the foreign merchants, let them with all haste pay obedience thereto, and let them deliver up to the government every particle of the opium on board their store-ships. Let the Hong merchants make lists of the opium delivered by each firm, in order that all surrendered may be accounted for, so that it may be burnt and destroyed, and that thus the evil may be entirely extirpated. There must not be the smallest atom concealed or withheld. At the same time let these foreigners give a bond, written jointly in the foreign and Chinese language, making a declaration to this effect: 'That their vessels, which shall hereafter resort hither, will never again dare to bring opium with them: and that, should any be brought, as soon as discovery shall be made of it, the opium shall be forfeited to government, and the parties shall suffer the extreme penalties of the law: and that such punishment will be willingly submitted to.' " Foreigners are reputed to attach much importance to "good faith"; if now they will obey these orders in their entirety, they will be commended to the emperor for some mark of his favour "as an encouragement of the spirit of contrition and wholesome dread thus manifested by you." If the foreigners adhered to their folly, and made various pretexts for evading compliance, then "it will become requisite to include you also in the severe course of punishment prescribed by the new law. On this occasion, I, the High Commissioner, having come from the capital, have personally received the sacred commands, that wherever a law exists, it is to be fully enforced. And as I have brought these full powers and privileges, enabling me to perform whatever seems to me right—powers with which those ordinarily given, for inquiring and acting in regard to other matters, are by no means comparable—so long as the opium traffic remains unexterminated, so long will I delay my return. I swear that I will progress

<sup>12</sup> Cf. chap. vi, § 15.

with this matter from its beginning to its ending, and that not a thought of stopping halfway shall for a moment be indulged." Public opinion was so strongly aroused against the opium traffic, that, even if the armed forces of the crown were not called upon, the armed people alone "will be more than enough to place all your lives within my power"; and stopping the trade, either temporarily or permanently, would supply the last argument needed. The foreign merchants who dealt in opium were known by name; and the others, guiltless of trading in the drug, were encouraged by the promise of reward, if they would "point out their depraved fellows, compel them to deliver up their opium, and take the lead in giving the bond demanded." Acquiescence in these orders was to be given, and the bonds required were to be signed, within three days: "Do not indulge in idle hopes or seek to postpone matters, deferring repentance until delay shall render it ineffectual."

§ 5. The next day, March 19th, the Hoppo issued an order, in the following terms: "Pending the stay of the High Commissioner in Canton, and while the consequences of his investigations, both to foreigners and natives, are yet uncertain, all foreign residents are forbidden to go down to Macao. I therefore issue this order to the Hong merchants. On receipt of it let them instantly communicate to the foreigners its purpose for their information and obedience. For the present they must not petition for leave to go down to Macao."<sup>13</sup> The foreign community had, for forty years past, been accustomed to the issue of proclamations and orders, to which some attention was paid, possibly, on the day of issue, or during the continuance of the crisis they were designed to meet, but which were disregarded immediately after. This order they found to have a serious intent, and it was carried into effect. From this moment the entire foreign community were prisoners at large within the factory grounds, forbidden to leave Canton, and cut off from communication with their shipping; ships' boats were allowed to come to Canton, but not to return to Whampoa. Meantime troops were collected in the suburbs, and on the 21st gunboats carrying armed men assembled on the river in front of the factories.<sup>14</sup>

<sup>13</sup> Chin. Rep., April 1839.

<sup>14</sup> Cf. chap. vi, §§ 19, 22.

§ 6. The three days' grace expired on March 21st, and on the morning of that day a fully attended meeting of the General Chamber of Commerce<sup>15</sup> was held, at which it was resolved to appoint a committee to consider the situation, and to report within seven days; and that the Chinese authorities be informed of this, and that "there is an almost unanimous feeling in the community of the absolute necessity of the foreign residents of Canton having no connexion with the opium traffic." This statement was treated by the High Commissioner as a mere "pretext for evading compliance,"<sup>16</sup> and he declared that "if no opium was given up, he would be at the Consou house to-morrow morning at ten, and then he would show what he would do." An offer of 1037 chests of opium was the next day declared to be by no means sufficient; and on the afternoon of that day (March 22nd) an invitation, purporting to be from the High Commissioner, came for Mr. Lancelot Dent<sup>17</sup> to go into the city. He expressed his willingness to go, but his friends stipulated for a safe conduct, under the High Commissioner's seal, guaranteeing his return within twenty-four hours. There was no doubt that he would have been detained as a hostage to ensure the compliance of the other merchants with the High Commissioner's requirements.<sup>18</sup>

§ 7. On March 23rd the Canton Prefect (Kwangchow-fu) and other smaller officials assembled at the Consou house at an early hour, and were met by the Hong merchants, all deprived of their buttons, to indicate degradation from official rank, and the two senior, Howqua<sup>19</sup> and Mowqua, with chains around their necks. The merchants then entered the factories, with these clear indications of the danger they were in, and again urged acceptance of the invitation to Mr. Dent. The matter was debated for some time, and finally it was unanimously decided to reply, with the expression of much respect for the High Commissioner and his office, and of much appreciation of

<sup>15</sup> The chairman at the time was Mr. W. S. Wetmore, an American, member of a firm which had no connexion with Indian opium.

<sup>16</sup> Cf. *antea*, § 4.

<sup>17</sup> The firm of Dent & Co., surrendered 1700 chests of the opium afterward given up, coming next to Jardine, Matheson & Co., who surrendered 7000 chests, and before Russell & Co., with 1500 chests.—*Sel. Comm. H. of Commons, on the Trade with China, 1840*; evidence of R. Inglis, Q. 75.

<sup>18</sup> *Chin. Rep.*, April 1839.

<sup>19</sup> Cf. chap. iv, § 26.

the courteous manner of the officials, that the safe conduct must be a necessary condition. After some further anxious debate, one of Mr. Dent's partners went to the Consoo house to inform the officials there of this decision; and later four from the leading merchants of the community went into the city to convey the decision to the provincial officials there. They were informed that, if Mr. Dent did not come, he would be brought in by force. These delegates returned at nine in the evening,<sup>20</sup> and at midnight the Hong merchants again returned to urge compliance. The next day, being Sunday, the Chinese granted a truce in the discussion.<sup>21</sup>

§ 8. Captain Elliot had gone to Macao, thinking that the first blow would fall on the shipping outside the river, and that the High Commissioner would establish his headquarters at Macao.<sup>22</sup> Copies of the orders of March 18th reached him on the 22nd, and he at once issued a notification requiring all British vessels at the outer anchorages to "proceed forthwith to Hongkong, and, hoisting their national colours, be prepared to resist every act of aggression upon the part of the Chinese government," and placing them under the orders and protection of H.M. ships of war then in Chinese waters.<sup>23</sup> At the same time he wrote to the viceroy (sending a copy to the Künmin-fu at Macao) as follows: "The undersigned, seriously disturbed by the unusual assemblage of troops, ships of war, fire vessels and other menacing preparations, and, above all, by the unprecedented and unexplained measure of an execution before the factories at Canton, to the destruction of all confidence in the just and moderate dispositions of the provincial authorities, has now the honour to demand, in the name of the sovereign of his nation, whether it is the purpose of the viceroy to make war upon the men and ships of his nation in this empire. He claims immediate and calming assurances upon this subject; and he has at the same time to declare his readiness to meet the officials of the provincial government, and to use his sincere efforts to fulfil the pleasure of the great emperor, as soon as it is made known to him."<sup>24</sup> To Lord Palmerston he wrote that

<sup>20</sup> While in the city the four were treated with courtesy, but were questioned separately.

<sup>21</sup> Chin. Rep., April 1839; Corr. rel. China, 1840, p. 365.

<sup>22</sup> Corr. rel. China, 1840, p. 355.

<sup>23</sup> Ibid., p. 363.

<sup>24</sup> Ibid., p. 362.

he had "no doubt that a firm tone and attitude will check the rash spirit of the provincial authorities";<sup>25</sup> but this was before he reached Canton, and could study the situation on the spot. On March 23rd he issued a notification, in which, after referring to the execution, the warlike preparations, the prohibition to leave Canton—"which, if not an act of declared war, is at least its immediate and inevitable preliminary"—and the threatening language of the High Commissioner, he warned all British subjects at Canton that he intended to ask for permits for all to leave at once, and that they must prepare to take that step.<sup>26</sup>

§ 9. Captain Elliot left Macao on March 23rd, and, under conditions of considerable personal peril, reached the factories at 6 p.m. on the 24th. His first step was to raise the British flag, which, on the request of the entire community, had been struck on February 26th—"for I well knew, my lord, that there is a sense of support in the sight of that honoured flag, fly where it will, that none can feel but men who look upon it in some such dismal strait as ours."<sup>27</sup> His next step was to take Mr. Dent under his personal protection in his official residence; and he sent word to the Hong merchants that he would allow Mr. Dent to go into the city, but accompanied by himself, and upon the distinct written stipulation, under the High Commissioner's seal, that they were not to be separated for one moment.<sup>28</sup>

§ 10. No sooner had Captain Elliot landed, than alarm spread rapidly, and orders to close every pass around the factories resounded from post to post among the police. In a few minutes the public square was cleared of all natives; the entrances to it closed and guarded; the doors of the factories, which on the two preceding nights had been watched by a few coolies, were now thronged with large companies of men, armed with spears, and provided with lanterns; a triple cordon of boats was placed along the banks of the river before the whole front of the factories, filled with armed men; soldiers were stationed on the roofs of the adjoining houses; and, to cap the climax, orders from the High Commissioner were given for all the compradors and servants to leave the hong. By about nine o'clock at night, not a native remained in the factories:

<sup>25</sup> Corr. rel. China, 1840, p. 349.

<sup>26</sup> Ibid., p. 363.

<sup>27</sup> Ibid., p. 357.

<sup>28</sup> Ibid., p. 357.

and the foreigners, between two and three hundred in number, were their only inmates. Canton, or at least that part of it adjacent to the factories, was now virtually under martial law. Patrols, sentinels, and officers, hastening hither and thither, with the blowing of trumpets and the beating of gongs, added confusion to the darkness and gloom of the night.<sup>29</sup> Before the gate of the house occupied by Captain Elliot the whole body of Hong merchants<sup>30</sup> and a large guard were posted, the guard with their swords constantly drawn.<sup>31</sup> The next day, March 25th, the Chinese were chiefly occupied in completing their arrangements for the safe detention of the foreigners; and orders were issued for constructing two rafts across the river, one above and one below the factories, designed to prevent the foreigners from escaping, and to guard against the approach of armed boats from Whampoa. Everything was done to prevent intercourse between foreigners and natives. No parcels, not even letters, could be sent to Macao or Whampoa, except at the most imminent hazard of life. It was reported, and generally believed, that in one instance the life of a boatman was taken, for having been found carrying a European letter. No food, not even a bucket of water, was allowed to be brought to the factories; and the foreigners, little accustomed to such tasks, were driven to do their own cooking, washing, sweeping, making of beds, trimming of lamps, carrying of water, milking of cows, and all the minutiae of domestic work, but, in general, with all the light-heartedness habitual to English and American when in a position of difficulty and danger.<sup>32</sup>

<sup>29</sup> Chin. Rep., April 1839, cited verbatim, as being the testimony of a trustworthy and impartial eyewitness. The number shut up in the factories was "about 320 Europeans," according to evidence of R. Inglis (Q. 406) before Sel. Comm., H. of Commons, 1840. This probably included sailors from the shipping, allowed to enter, but not to leave.

<sup>30</sup> They were unquestionably held personally responsible that the superintendent, having come into the net, should not escape from it.

<sup>31</sup> Corr. rel. China, 1840, p. 357.

<sup>32</sup> Chin. Rep., April 1839; Hunter, "Fan-kwae," pp. 143-144. A characteristic instance of the way laws and orders are enforced in China, even in such a crisis as this, is given by Hunter, "Fan-kwae," p. 142: "The whole community were thus prisoners to the Chinese. Provisions were not allowed to be brought in, no one was permitted to go beyond the square, and matters assumed a decidedly serious aspect. We overcame the difficulty of provisions in this way. On the ground that trouble might arise, the Hong merchants sent their own coolies to keep watch with the guard at the gates. In this way the double object was gained in supplies of firewood and provisions, which were stealthily brought to us by them."

§ 11. On March 26th there was posted on the walls of the superintendent's residence, and of Mingqua's hong (Old China Street, opposite the American factory), a proclamation from the High Commissioner, giving, in four chapters, reasons why the opium should be speedily given up:

1°. "By virtue of that reason which heaven hath implanted in all of us." Instances are given of the retributive vengeance of heaven—"the English chief Roberts<sup>32</sup> who violated our laws; he endeavoured to get possession of Macao by force, and at Macao he died. Lord Napier bolted through the Bogue, but, being overwhelmed with grief and fear, almost immediately he died; Morrison, who had been darkly deceiving him, died also that year."

2°. "In compliance with the laws of the land." With favours showered upon them by the emperor, ought not foreigners to yield to the laws of China the same obedience they yield to the laws of their own country?

3°. "By reason of their personal interest." If the trade were entirely stopped because of opium, would they not lose the more? Could they do without tea and rhubarb? Why should they risk the whole trade for opium alone?

4°. "By reason of the necessity of the case." The anger of the empire was aroused, and the opium must be surrendered; then the trade would be resumed, and commendation heaped upon you. "Though I tire my month to entreat and exhort you, yet do I not shrink from the task. The choice of happiness or misery, glory or disgrace, is in your own hands."<sup>34</sup>

The next day, application having been made for port clearance for several ships, the Hoppo issued this order: "During the stay of the High Commissioner in Canton, and while his measures against the traders in opium are in operation, all ships now at Whampoa are prohibited from discharging or loading cargo, and must not attempt to leave port without their port clearance. The Künmin-fu has been ordered not to supply pilots."<sup>35</sup>

§ 12. Captain Elliot soon found that the "firm tone and attitude" which he had indicated to Lord Palmerston as the proper course to adopt<sup>36</sup> was impossible under the circumstances. On March 25th, "moved by urgent considerations affecting the safety of the lives and property of all the men of his nation, and the maintenance of the peace between the two countries," he formally demanded from the viceroy that passports be issued within three days for "all the English ships

<sup>32</sup> President of E.I.C. select committee during Admiral Drury's occupation of Macao in 1808. Cf. chap. iii, § 4.

<sup>34</sup> Chin. Rep., April 1839.

<sup>35</sup> Ibid.

<sup>36</sup> Cf. ante, § 9.

and people at Canton"; and, if the passports were not issued, he "will be reluctantly driven to the conclusion that the men and ships of his country are forcibly detained, and act accordingly." For the "late unexplained and alarming proceedings of this government, in the name of his own sovereign he declares himself free from the responsibility of all the consequences that may arise."<sup>37</sup>

§ 13. This demand was referred by the viceroy to the High Commissioner, with the comment that, in asking for passports, the superintendent had paid no attention to the order to give up the opium, and with sarcastic reference to "the two countries"—how could any of the myriad regions of the world be coupled with the Celestial Empire? Was it perhaps England and America that was meant by "the two countries"? The reply came from the High Commissioner that the orders must first be obeyed and the opium given up, then of course the passports would be sent.<sup>38</sup> On receipt of this reply, Captain Elliot wrote asking that his former communication be returned to him, expressing his regret for any disrespectful language he might have used, and asking only that servants and provisions might be allowed to come in.<sup>39</sup> A second communication was sent to him on March 26th, conveying the orders of the High Commissioner that there was to be no further delay—"I have now merely to lay on Elliot the responsibility of speedily and securely arranging these matters, the delivery of the opium and the giving of bonds, in obedience to my former commands"; but if he had any further representations to make they would be listened to.<sup>40</sup> A third communication, also of the 26th, repeated the warning against delay, required instant obedience, and transmitted a copy of the High Commissioner's proclamation,<sup>41</sup> which was issued that day.<sup>42</sup>

§ 14. No evasion was possible. The Chinese had found in December that, under pressure, the superintendent could be forced to stop the smuggling of opium within the river;<sup>43</sup> and now it was found that, under similar pressure, he could be brought to exercise a control over the trade outside, which

<sup>37</sup> Corr. rel. China, 1840, p. 367.

<sup>38</sup> Ibid., p. 368.

<sup>39</sup> Ibid., p. 367.

<sup>40</sup> Ibid., p. 370.

<sup>41</sup> Cf. *antea*, § 11.

<sup>42</sup> Corr. rel. China, 1840, p. 371.

<sup>43</sup> Cf. chap. viii, § 32.



previously he had declared to be beyond his jurisdiction.<sup>44</sup> On March 27th, within little over forty-eight hours<sup>45</sup> after he had begun by adopting his "firm tone and attitude," he found himself reduced to informing the authorities that he would "deliver over . . . all the opium in the hands of British subjects;"<sup>46</sup> and to carry this undertaking into effect, he issued the following notification:<sup>47</sup>

"I, Charles Elliot, chief superintendent of the trade of British subjects in China, presently forcibly detained by the provincial government, together with all the merchants of my own and the other foreign nations settled here, without supplies of food, deprived of our servants, and cut off from all intercourse with our respective countries, have now received the commands of the High Commissioner, issued directly to me under the seals of the honourable officers, to deliver into his hands all the opium held by the people of my country. Now I, the said chief superintendent, thus constrained by paramount motives affecting the safety of the lives and liberty of all the foreigners here present in Canton, and by other very weighty causes, do hereby, in the name and on the behalf of her Britannic Majesty's government, enjoin and require all her Majesty's subjects now present in Canton forthwith to make a surrender to me for the service of her said Majesty's government, to be delivered

<sup>44</sup> Cf. chap. viii, § 24.

<sup>45</sup> March 25th, 1 a.m., to March 27th, 6 a.m.

<sup>46</sup> Corr. rel. China, 1840, p. 373.

<sup>47</sup> *Ibid.*, p. 374; Chin. Rep., April 1839. The editorial comment of the Chinese Repository is interesting as giving the view of one who was conscientiously opposed to the evils of the opium trade, and who knew only as much as was known at the time and on the spot to the general public. "At this juncture affairs were in an extraordinary position, and must have been not a little embarrassing to all parties concerned. The facts of the case seem to have stood thus: The chief superintendent, immediately on hearing of the detention of foreigners here, directed the British flag to be hoisted at Hongkong, and the vessels scattered about outside to put themselves in a state of defence; at the same time (or immediately before doing this) he placed in the hands of the Chinese authorities at Macao a paper, declaring his readiness to meet the Imperial will with regard to the illicit traffic in opium. Having taken these steps, he hastens hither, and demands passports for British subjects from the provincial city, but would say nothing about the cause of their detention. The Commissioner in his reply, being entirely ignorant of Western usages, would utterly disregard the demand for passports; and, turning round to the chief superintendent, recapitulate what had been done, expatiate on the benevolence and power of the great emperor, denounce the unrighteous traffic, and conclude his edict with peremptory commands to Captain Elliot to make a full and speedy surrender of all the opium, offering rewards for obedience, and threatening heavy penalties in case of refusal. In view of these commands, and 'other very weighty causes,' the preceding public notice was published, demanding, in the name of her Majesty, the entire surrender of all British-owned opium. This bold demand was promptly answered, in the immediate surrender of 20,283 chests, worth at cost prices ten or eleven millions of dollars."

over to the government of China, of all the opium under their respective control; and to hold the British ships and vessels engaged in the trade of opium subject to my immediate direction; and to forward to me without delay a sealed list of all the British-owned opium in their respective possession. And I, the said chief superintendent, do now, in the most full and unreserved manner, hold myself responsible, for and on the behalf of her Britannic Majesty's government, to all and each of her Majesty's subjects surrendering the said British-owned opium into my hands, to be delivered to the Chinese government. And I, the said chief superintendent, do further specially caution all her Majesty's subjects here present in Canton, owners of or charged with the management of opium, the property of British subjects, that, failing the surrender of the said opium into my hands at or before six o'clock this day, I, the said chief superintendent, hereby declare her Majesty's government wholly free of all manner of responsibility in respect of the said British-owned opium. And it is specially to be understood that proof of British property and value of all British opium surrendered to me agreeably to this notice shall be determined upon principles and in a manner hereafter to be defined by her Majesty's government.

"Given under my hand and seal of office at Canton, in China, this twenty-seventh day of March, one thousand eight hundred and thirty-nine, at six of the clock in the morning."

§ 15. On March 28th Captain Elliot informed the High Commissioner that he "held himself strictly responsible, faithfully, and with all possible despatch, to deliver up 20,283 chests of British-owned opium."<sup>48</sup> This figure required some correction. First, there were eight chests belonging to Mr. James Immes seized at Macao, which, as Captain Elliot informed the High Commissioner,<sup>49</sup> brought the total quantity to 20,291 chests. Then it was found that actually only 19,760 chests were in the ships, two Parsee firms having made duplicate declarations, the one to the extent of 406 and the other 117 chests, a total of 523; it was impossible to adjust downwards the declaration of March 28th, and the superintendent was compelled to buy that quantity from stocks yet to be imported—"Messrs. Dent & Co. were enabled to furnish these means of fulfilling my public obligations, and to release the foreign community from their confinement at Canton, by the arrival of a single ship from India with opium to their consignment a few days before my departure from Canton." The cost of this opium, bought at \$500 a chest, was met (exchange 4s. 10d.) by bills on the Treasury in London for £63,266; but the drafts

<sup>48</sup> Corr. rel. China, 1840, p. 375.

<sup>49</sup> May 9th, Corr. rel. China, 1840, p. 414. Cf. postea, § 22.

were dishonoured, and the opium was paid for only after the indemnity came in.<sup>50</sup>

§ 16. The High Commissioner also turned his attention to the American, French, and Dutch merchants, whose trade in opium, he declared, "has not been less than that of the English"; but it was represented to him that the opium in their hands was on English account, and had been included in the amounts reported by Captain Elliot, and no further demand was made.<sup>51</sup> On March 25th an American merchant, Mr. Charles W. King,<sup>52</sup> sent the High Commissioner a petition in which he declared that, "in the many years he has been engaged in trade at Canton, he has never bought, sold, received, or delivered one catty of opium or one tael of sycee silver," and asked that he might be allowed to resume the trade of his ships, and have his servants back. In his reply the High Commissioner stated that, "while on the one hand I cannot allow the bad foreigners to involve the good, yet, on the other, I cannot, for the sake of a single case, change my great plans"; and Mr. King was advised, if he wished trade to be resumed, to "induce all the foreign merchants to comply and give up their opium without delay." On March 30th, and again on April 5th, the Dutch consul, van Basel, made similar representations, and he too was urged to "induce all foreigners resident in the factories to give up all the opium in their possession."<sup>53</sup>

§ 17. The first result of Captain Elliot's submission was a tightening of the bonds. From March 28th three of the four streets—all except Old China Street—leading into the factory

<sup>50</sup> Letter of July 3rd, Addl. Papers rel. China, 1840, p. 5. Cf. also evidence of R. Inglis before Sel. Comm. H. of Commons on Trade with China, 1840, Q. 334-336.—Return to order H. of Commons, March 12th, 1840, p. 8. The total amount of the bills was £63,266; and the sum paid to Dent & Co. was £33,976, based on the value per chest at which the indemnity was distributed to other claimants.—Paper ordered to be prepared, H. of Commons, July 24th, 1843.

<sup>51</sup> *Corr. rel. China*, 1840, p. 376; Nye, "Peking the Goal," p. 13; *Chin. Rep.*, April 1839. This cannot be reconciled with the statement that Turkey opium in American hands was expressly excluded (cf. chap. viii, § 38); but Hunter was in Canton at the time, in the firm of Russell & Co., who had the largest American interest in opium, whether Indian or Turkey. Cf. also Sel. Comm. H. of Commons, 1840; evidence of R. Inglis, "Q. 430. . . . A. I think there was a little opium *owned* by Americans, about ten chests, which they sent away as soon as they could get at their ships. Q. 434. . . . A. Sent away after we got out of our confinement."

<sup>52</sup> Of the same firm as Mr. Talbot. Cf. chap. viii, § 28, n. 79.

<sup>53</sup> *Chin. Rep.*, April 1839.

grounds were walled up; the back-doors of the factories, opening on the public street, were bricked up; all the foreigners' boats were hauled up on shore; and the guards were strengthened; but, per contra, each afternoon two buckets of spring water were brought to each factory.<sup>54</sup> After persistent attempts to obtain delivery of the opium within two or three days, the High Commissioner finally recognised that delay was inevitable; and on April 2nd he gave orders that food and water were to be supplied at once, but to be cut off again on the least sign of delay; that, when the first fourth of the opium had been delivered, the compradors and servants should be restored; for the second fourth, communication with Whampoa and Macao should be reopened; for the third fourth, the embargo on trade should be removed; and, when the whole was delivered, "everything shall return to its original condition." This arrangement was at once notified to the community.<sup>55</sup>

§ 18. The question of the bond, against future trade in opium, presented more difficulty. On March 25th a considerable number of the foreign merchants put their names to a declaration "pledging themselves not to deal in opium, nor to attempt to introduce it into the Chinese empire"; but they further represented that they did "not possess the power of controlling such extensive and important matters" as perpetual prohibition to all comers, which they asked should be left to be arranged through the representatives of their respective nations.<sup>56</sup> This was far from satisfying the High Commissioner, whose wish it was that the entire foreign community should have but one neck; and on April 4th he proposed a form of "voluntary bond" to be subscribed by the superintendent "at the head of the merchants" of all nationalities, in which, after expressing their gratitude for the favour of the emperor in remitting all penalties except the surrender of the opium, they formally undertook that the store-ships should sail away, and that their government or governments should enact that the "merchants are to pay implicit obedience to the prohibitory laws of the Celestial court, must not again introduce opium into the inner land, and will no longer be allowed to manufacture

<sup>54</sup> Chin. Rep., April 1839; Corr. rel. China, 1840, p. 416.

<sup>55</sup> Corr. rel. China, 1840, p. 383.

<sup>56</sup> Chin. Rep., April 1839; Corr. rel. China, 1840, p. 397.

opium." It then declared that the opium trade was prohibited, that, in case of breach of the law, both ship and cargo should be confiscated, and that "the parties shall be left to suffer death at the hands of the Celestial court—a punishment to which they agree to submit."<sup>57</sup>

§ 19. This bond was considered by the General Chamber of Commerce on April 5th and 8th, and it was decided that, as the whole situation had now assumed a political rather than a commercial aspect, the chamber should be dissolved "until the restoration of our trade, the liberty of egress from Canton, and of communication with the outer waters, enables the chamber to serve the community in a legitimate manner."<sup>58</sup> Finally the bond was brought to Captain Elliot again on April 21st. "I tore it up at once, and desired them to tell their officers that they might take my life as soon as they saw fit, but that it was a vain thing to trouble themselves or me any further upon the subject of the bond. There had been men with naked swords before our doors, day and night, for more than four weeks, and, as it was to be presumed they had orders to kill us if we attempted to escape . . . there could be no need for our bonds of consent to the killing of other people at some future period."<sup>59</sup>

§ 20. Some few servants had returned to the factories on April 13th, and on the 19th formal permission was given for the return of all compradors and servants.<sup>60</sup> The delivery of the opium progressed slowly, but even the High Commissioner, who made a tour of inspection by the Bogue, Macao, etc., saw that the delay was inevitable; and on May 4th he reopened communication, removed the embargo on trade, and "on the 5th we had the satisfaction of seeing the triple cordon, which for six weeks had hemmed us so closely in, broken up; all the large boats were removed, and the companies of soldiers were disbanded."<sup>61</sup> From this liberty, however, he excluded sixteen persons by name (twelve apparently English, four Parsee), who, being reputed to be the principal importers of opium, were not to be allowed to leave Canton.<sup>62</sup> On that same day Captain

<sup>57</sup> Chin. Rep., April 1839; Corr. rel. China, 1840, p. 391.

<sup>58</sup> Chin. Rep., April 1839.

<sup>59</sup> Corr. rel. China, 1840, p. 390.

<sup>60</sup> Chin. Rep., April 1839.

<sup>61</sup> Ibid., May 1839.

<sup>62</sup> Ibid.; Corr. rel. China, 1840, p. 401. One of those "apparently English" was Mr. John C. Green, then the Canton head of the American firm of Russell & Co.—Elliot to Künmin-fu, Oct. 9th, Addl. Corr. rel. China, Nov.-Dec, 1839, p. 18.

Elliot issued a notification, in which, in guarded language, he reminded British subjects of his earlier notification of March 23rd, requiring them to prepare to leave Canton in a body.<sup>63</sup> Further, on May 19th he notified that British ships coming inside the river did so at their own risk; and on the 20th he again drew attention to his notification of the 4th.<sup>64</sup>

§ 21. The delivery of the 20,291 chests of opium was completed on May 21st. The next day Captain Elliot issued a notification beginning as follows:

"The disregard of formal offers . . . to adjust all difficulties by the fulfilment of the Imperial will, the unjustifiable imprisonment of the whole foreign community in Canton, the still more wanton protraction of the captivity, and the forced surrender of property . . . such are the chief facts which have sustained the declaration put forward in the notice . . . dated at Macao on the 23rd day of March last, that he was without confidence in the justice and moderation of the provincial government. Correction remaining to be made for the circumstance that these later deeds have been perpetrated mainly under the authority of the Imperial Commissioner, he is also to declare that he is without confidence in the justice and moderation of the said Imperial Commissioner."

His demand for the surrender of opium had not been made because it was opium,

"but (beyond the actual pressure of necessity) that demand was founded on the principle, that these violent compulsory measures being utterly unjust *per se*, and of general application for the forced surrender of any other property, or of human life, or for the constraint of any unsuitable terms or concessions, it became highly necessary to vest and leave the right of exacting effectual security, and full indemnity for every loss, directly in the Queen. These outrages have already temporarily cast upon the British crown immense public liabilities; and it is incumbent upon him at this moment of release to fix the earliest period for removal from a situation of total insecurity, and for the termination of all risk of similar responsibility on the part of her Majesty's government."

He therefore repeated his notice that all British subjects were to leave Canton, before or with himself, and his order that no British ship was, for the present, to enter the port of Canton; and he finally reserved to his government full right to disavow or modify any order he might have given or any claim for indemnity he might have recognised.<sup>65</sup>

§ 22. On May 23rd the High Commissioner and the viceroy issued a joint order to the Hong merchants, requiring the

<sup>63</sup> Corr. rel. China, 1840, p. 403.

<sup>64</sup> Chin. Rep., May 1835.

<sup>65</sup> Ibid.

sixteen persons named in the order of May 4th as being reputed to be the principal importers of opium,<sup>66</sup> to sign a promise (unencumbered, however, with any penal conditions) that, on being permitted to leave Canton, they would never return; only on that condition could they be permitted to leave. They all signed the declaration under duress, on the recommendation of Captain Elliot, who feared that a refusal to sign would serve as "pretext for their continued forcible detention."<sup>67</sup> Mr. James Innes<sup>68</sup> had already, by order of May 8th, been ordered to leave Macao on the ground that, having been expelled from Canton for proved smuggling of opium, he had again been concerned in smuggling eight chests at Macao. He protested against this order on three grounds: that "the interference of the superintendent with the sale and delivery of opium on the high seas is beyond his powers"; that the superintendent "has broken an essential principle of the British criminal law in condemning him unheard and unopposed with the witnesses against him"; and that he had no court of law to which to apply for redress for the unlawful deportation ordered by the superintendent.<sup>69</sup>

§ 23. Captain Elliot left Canton for Macao on May 24th, accompanied by all British subjects who had not already left.<sup>70</sup> There remained in Canton, by June 1st, about twenty-five foreigners,<sup>71</sup> all American.<sup>72</sup> In the friendly tone of the officials on the way from Canton to Macao,<sup>73</sup> there was evidence of the honesty of the High Commissioner's declaration that, when all the opium had been delivered, "everything shall return to its original condition."<sup>74</sup>

§ 24. The surrendered opium, 20,291 chests, was temporarily stored at the village of Chenkow, near Chuenpi; and, in their joint report, the High Commissioner, viceroy, and governor proposed to send the whole to Peking for examination and

<sup>66</sup> Cf. *antea*, § 20.

<sup>67</sup> *Chin. Rep.*, May 1839; *Corr. rel. China*, 1840, p. 410.

<sup>68</sup> The person referred to, chap. v, § 32; chap. vii, § 12; chap. viii, § 28; *antea*, § 15.

<sup>69</sup> *Corr. rel. China*, 1840, pp. 414, 420-427.

<sup>70</sup> *Ibid.*, p. 410; *Chin. Rep.*, May 1839; Hunter, "Fan-kwae," p. 145.

<sup>71</sup> *Chin. Rep.*, June 1839; Hunter, *loc. cit.*

<sup>72</sup> Hunter, *loc. cit.* For the number of foreign residents in Jan. 1837, cf. chap. iv, § 11.

<sup>73</sup> Hunter, *loc. cit.*

<sup>74</sup> Cf. *antea*, § 17.

destruction; the Imperial rescript, however, ordered that it should be destroyed on the spot, "so that the coast inhabitants and the foreigners at Canton alike may see and hear, and that they may know and tremble thereat."<sup>75</sup> That destruction, by mixing with lime, salt and water, and by flowing into the sea, was ordered to be begun on June 3rd, and from that date continued day by day until it was completed;<sup>76</sup> for once at least an official order was carried into effect by the Chinese themselves, honestly, though there was money to be made, and thoroughly, though less trouble would be given by a lax execution.

§ 25. The opium smuggling, meantime, was scotched, but not killed. In January, with "not less than 50,000 chests of the Indian drug ready for the market, some 10,000 are now in Chinese waters";<sup>77</sup> and, though the latter figure was doubled by the end of March, the pressure of the balance of the 50,000 chests for a market remained, and the market was not destroyed. Before the arrival of the High Commissioner, two or three commercial houses sent notices to their correspondents in India and elsewhere that they would not receive further consignments of opium,<sup>78</sup> and there were already houses in Canton which constantly refused to deal in it;<sup>79</sup> but, while certain individuals were under bond to have no further dealings in the drug, firms in general made no change. Opium on the way was, at first, stopped at Singapore,<sup>80</sup> and the "stoppage of the traffic on the coast is nearly complete."<sup>81</sup> This state continued for no long time. In June, immediately after the English exodus, it was

<sup>75</sup> Chin. Rep., May 1839. For his great merit the High Commissioner was at this time transferred from Wuchang to the more important and more lucrative viceroyalty of Nanking. While he was engaged with the British at Canton, the Portuguese at Macao are said to have shipped off to Manila the opium under their control, estimated at 3000 chests.—*Corr. rel. China*, 1840, p. 405.

<sup>76</sup> Chin. Rep., May, June, Aug., Sept. 1839; Nye, "Peking, the Goal," p. 37. The work of destruction was inspected on June 15th by Mr. Charles W. King (cf. ante, § 16) and his wife, and Rev. Dr. E. C. Bridgman, editor of the Chinese Repository.

<sup>77</sup> Chin. Rep., Jan. 1839.

<sup>78</sup> Ibid., March 1839.

<sup>79</sup> Cf. chap. viii, §§ 28, 37.

<sup>80</sup> There was some speculation done through Singapore. On one occasion, when opium prospects looked darkest, a quantity of nearly 700 chests was bought there at about \$250 a chest, and taken up and sold along the east coast at rates averaging \$2500.—Hunter, "Fan-kwae," p. 79.

<sup>81</sup> Chin. Rep., Feb. 1839.



reported that operations in opium had been renewed by vessels trading along the coast,<sup>82</sup> and the wish expressed—"We trust the controllers of these will not hoist any flag belonging to civilised nations"<sup>83</sup>—would seem not to have been generally shared. In July Captain Elliot reported: "In several parts of Fukien his [Lin's] measures have already produced a formidable organisation of the native smugglers, and the officers of the government do not venture to disturb them . . . and indeed, whilst I am writing, a most vigorous trade is carried on at places about two hundred miles to the eastward of Canton."<sup>84</sup> On September 11th, while the British shipping was concentrated at Hongkong for mutual protection, Captain Elliot ordered that the masters of ships remaining in that port, and continuing to enjoy the protection of the British flag, should make oath to him that they had no opium on board, and, "moved by the pressing public considerations hereinbefore set forth, the chief superintendent has to require that all British vessels engaged in the traffic of opium should immediately depart from this harbour and coast." The senior naval officer on the same date wrote to Captain Elliot: "Her Majesty's officers are not in any way countenancing or protecting the illegal traffic of opium on the coast of China."<sup>85</sup> Yet three or four months later it could be said that "on the coast the number of vessels engaged in the illegal traffic is probably as great now as at any former period; perhaps it is greater."<sup>86</sup> Prices were at famine rates; immediately after the seizure, instead of a normal \$500, it was said that \$3000 would be given for a chest delivered within Canton city;<sup>87</sup> in October, prices along the coast ranged from \$1000 to \$1600 a chest,<sup>88</sup> and at the end of the year from \$700 to \$1200.<sup>89</sup> The inevitable result, human nature being still somewhat lower than that of the angels, was that the traffic showed an astonishing degree of elasticity, repeating in this the history of each successive step in restriction from 1800

<sup>82</sup> Chin. Rep., June 1839.

<sup>83</sup> Canton Register.

<sup>84</sup> Corr. rel. China, 1840, p. 431.

<sup>85</sup> Ibid., pp. 456-457; Chin. Rep., Sept. 1839.

<sup>86</sup> Chin. Rep., Jan. 1840.

<sup>87</sup> Hunter, "Fan-kwae," p. 79.

<sup>88</sup> Chin. Rep., Oct. 1839.

<sup>89</sup> Ibid., Oct. 1840.

on;<sup>90</sup> but the conditions and the agents were now entirely changed. "The principal agents of this traffic are no longer resident in China, and their vessels, both large and small, are so manned and armed as to be able to put all native craft at defiance; moreover, not a few of the native smugglers are arming themselves, in order to defend themselves against the officers of their own government." The result was that "the traffic seems to be as vigorously prosecuted as ever, and with as much safety and profit."<sup>91</sup>

§ 26. The High Commissioner, his demands satisfied, had reopened the trade; but, to his surprise, the English showed no keenness to obtain the tea and rhubarb of the Celestial empire. Captain Elliot, by his notification of May 19th, had ordered that no British ships were to enter the river.<sup>92</sup> On the same date an order from the viceroy had intimated that ships desiring to enter Whampoa must first fulfil all the requirements of the regulations in force; but on June 5th Captain Elliot informed the High Commissioner that British vessels arriving thereafter would discharge and load at Macao, where the superintendent and the merchants had taken up their residence, until such time as instructions for their future conduct should be received from the British government. This brought out an order on June 9th from the Hoppo, under instructions from the High Commissioner and viceroy, prohibiting trade, other than local trade, at Macao, and directing that all ships should enter

<sup>90</sup> Apart from any question of averages, the shipments of opium from India (those to China not being distinguished) for each of the following years was, in chests, as follows:

YEARS.	BENGAL.	MALWA.	TOTAL.
1799-1800	—	—	4,054
1809-1810	—	—	4,561
1819-1820	—	—	4,006
1829-1830	8,778	8,099	16,877
1838-1839	18,212	21,988	40,200
1839-1840	18,965	1,654	20,619
1840-1841	17,858	16,773	34,631

<sup>91</sup> Chin. Rep., Jan. 1840. Cf. also evidence to the same effect of W. Jardine (Q. 1799-1806) before Sel. Comm. H. of Commons, 1840; also evidence A. Matheson, Q. 2153-2154.

<sup>92</sup> Cf. ante, § 20.

Whampoa, and, after completing their lading, should sail straight away to their own country—"for there are only two ways, either to enter the port, or be gone; there is no middle course to be followed."<sup>93</sup> On June 12th a meeting of the merchants at Macao expressed their disapproval of any one sending "British ships or property to Canton, in opposition to the strict injunctions of H.M. chief superintendent." This was communicated to Captain Elliot, who, on the 14th, replied pointing out the peril of "postponing public authority and general considerations to their own views and particular interests," and declaring:

"Beyond this consideration of danger, too, such a measure would be intensely humiliating and mischievous, because it establishes the principle that British subjects entertain a confidence in the justice and moderation of this government, notwithstanding all that has passed; consenting for themselves and their countrymen to trial and condemnation by Chinese officers and forms of Chinese judicature, for capital, and *a fortiori* all lesser, offences. I trust I shall never be placed in the painful situation of addressing a special injunction to any subjects of her Majesty's, requiring them to desist from a course so unworthy of their country, and so dangerous to innocent men, whose lives may fall a sacrifice to their reckless cupidity, before the certain and powerful intervention of the Queen can reach these shores, and disabuse the Chinese government of the imagination that such will ever be tolerated."

At a subsequent meeting, held on June 17th, it was voted that the superintendent's notifications, coupled with the explanations given in his letter of the 14th, constituted a "positive order from him, as the organ of his government, prohibitory of British ships and property being sent within the Boca Tigris, in the existing state of our relations with the Chinese government."<sup>94</sup> The Chinese were, however, by no means satisfied. and on June 14th a public proclamation was issued, pointing out that, now that all the opium had been surrendered, trade had been reopened by grace of the authorities; commenting on the entry of two American ships; and asking why the other ships did not enter to trade.<sup>95</sup> To this Captain Elliot replied by a manifesto of June 21st, in which he showed cause for refusing to reopen the trade. He referred to the close imprisonment for more than seven weeks of innocent and guilty alike; declared that "the traffic in opium has been chiefly encouraged

<sup>93</sup> Chin. Rep., June 1839.

<sup>94</sup> Ibid.

<sup>95</sup> Ibid.

and protected by the highest officers in the empire, and that no portion of the foreign trade to China has paid its fees to the officers with so much regularity as this of opium"; gave warning that the recent procedure, so far from abolishing the opium trade, had given an immense impulse to it"; and summarised the question at issue as follows: "The merchants and ships of the English nation do not proceed to Canton and Whampoa, because the gracious commands of the emperor for their protection are set at nought; because the truth is concealed from his Imperial Majesty's knowledge; because there is no safety for a handful of defenceless men in the grasp of the government at Canton; because it would be derogatory from the dignity of their sovereign and nation to forget all the insults and wrongs which have been perpetrated, till full justice be done, and till the whole trade and intercourse be placed upon a footing honourable and secure to this empire, and to England."<sup>96</sup>

§ 27. On June 23rd the Chinese authorities defined their position by the issue of new and very stringent regulations for the control of the foreign shipping. These need not be given in detail, since they were never applied to the trade of all nations, but attention may be drawn to the covering instructions of the viceroy in ordering that they be put into effect:

"Let the Hong merchants proceed in person to Whampoa, and there with all sincerity and energy subject the ships to the strictest scrutiny and examination. The bond hitherto required must be signed both by the foreigners and Hong merchants, by which they solemnly bind themselves cheerfully and willingly to abide by the consequences of their crimes, should they be discovered to have opium, and to deliver it up. . . . Business must now be carried on as is above set forth. The Hong merchants must accord their most implicit obedience; and, in company with the linguists, hasten forward, and in all sincerity give their whole minds to the management of their business. Not a moment's delay will be permitted. If they allow any smuggling, or dare, as formerly, to pass it over as a trifling matter, or do not carefully search and investigate, or if they rashly and hurriedly give the bond, and smuggling of opium or other contraband goods is afterwards detected, then immediately, as discovery of the facts is made, the Hong merchants, with the linguists, shall all be taken and visited with most extreme punishment."<sup>97</sup> Not a particle of indulgence will be shown them. Let this be circulated among all the officers of the province for their information and guidance."

The extreme stringency of wording of the bond formerly

<sup>96</sup> Chin. Rep., June 1839.

<sup>97</sup> Decapitation.

proposed was relaxed, but without altering the penalties of the law, and the bond now required was in the following form : <sup>98</sup>

### A DULY PREPARED BOND

The foreign captain ..... belonging to the ..... nation has now received the commands of the heavenly dynasty rigidly prohibiting opium ; and he has had it clearly proclaimed to him that certain new regulations have been established to that effect, and the said foreigner, holding the same in great dread, will not dare to oppose or violate them. Now the said ship just arrived brings no opium, and I now give this as a true certificate of the same.

Dated Canton, .....

§ 28. The British ships remained outside, but the American ships came in. By the end of June eleven had entered ; <sup>99</sup> and on a day in September there were at Hongkong and Macao 63 British and 3 American, and at Whampoa 11 American, 2 Danish, 2 German, and 1 Spanish.<sup>100</sup> The opportunity of the neutrals had come, and they seized it. "Several ships of the firm (the American firm of Russell & Co.) were kept running between Hongkong and Whampoa with English goods at thirty to forty dollars a ton, and Indian cotton at seven dollars a bale (of 3 cwt.). A very active business was carried on under the American flag, greatly to the convenience of English friends, as well as to their profit. Teas were the returns for these inward cargoes, which were brought down and shipped to England."<sup>101</sup> The same firm later bought the ship *Cambridge* of 900 tons, loaded her, with her deck full to the rail, with English goods valued at £150,000, and sent her to Whampoa at the last moment before the blockade was established on June 22nd, 1840.<sup>102</sup> This was, however, felt by Captain Elliot to be a postponement of general considerations to particular interests ; <sup>103</sup> and on July 29th, 1839, he issued a public notice to the effect that he had "moved her Majesty's and the British Indian governments to forbid the entrance of tea and other produce from this country, imported in British vessels entering

<sup>98</sup> Chin. Rep., June 1839. Cf. postea, n. 144.

<sup>99</sup> Chin. Rep., June 1839.

<sup>100</sup> Ibid., Sept. 1839.

<sup>101</sup> Hunter, "Fan-kwae," p. 146. Freight from London to Canton would at this time probably not have exceeded £12, or \$55, a ton.

<sup>102</sup> Hunter, "Fan-kwae," p. 147.

<sup>103</sup> Cf. antea, § 26.

the port of Canton, in violation of his lawful injunctions, to the serious injury of measures taken for the general security of this trade."<sup>104</sup> The practice continuing, he again wrote to Lord Palmerston on September 8th, commenting strongly on the attitude taken by the American merchants;<sup>105</sup> but by November 28th, he had changed his opinion, and saw that the neutral traffic was a safety-valve for his policy.<sup>106</sup>

§ 29. The High Commissioner, victorious, but exasperated that he could not reap the fruits of victory, was now goaded into further action by an untoward event which occurred on July 7th; and by the same event Captain Elliot was driven from the quiescent policy of his predecessors which he had adopted towards the Chinese; and which he had imposed on the British merchants—the policy of waiting for instructions from home. On that date a party of sailors,<sup>107</sup> while on shore on the Kowloon side of the Hongkong anchorage, became involved in a "riot occasioned by their attempt to obtain spirits to drink; a shameful riot attended with unmanly outrage upon men, women, and children, and the loss of innocent life."<sup>108</sup> The life lost was that of Lin Wei-hi, who died the next day. Captain Elliot instituted an inquiry at once, on July 10th, and offered rewards—\$200 for evidence leading to conviction for the murder, and \$100 for the riot; he also, unwisely, advanced from his own purse \$1500 as compensation to the

<sup>104</sup> Corr. rel. China, 1840, p. 451.

<sup>105</sup> *Ibid.*, p. 450. The question was referred to the decision of the Treasury, which replied that "their lordships are therefore of opinion that tea waterborne at Canton and transhipped to the importing vessel without being landed at Hongkong, is held to be imported from Canton."—Return to order H. of Commons, March 13th, 1840.

<sup>106</sup> Addl. Corr. rel. China, Nov.-Dec. 1839, p. 43.

<sup>107</sup> The nationality of these sailors became a material point in the discussion. Captain Elliot declared formally to the Chinese (Corr. rel. China, 1840, p. 440; Chin. Rep., Oct. 1839) and to his own government (Corr. rel. China, 1840, pp. 432, 435) that sailors from American ships were involved in the affray. The Chinese authorities accepted the assurance of the American consul (proclamation of High Commissioner, Aug. 2nd, proclamation of Macao Künmin-fu, Aug. 15th, in Chin. Rep., Aug. 1839; communication from High Commissioner received Sept. 22nd, in Addl. Corr. rel. China, Nov.-Dec., 1839, p. 6) that no American ship or sailor was implicated, and, acting thereon, held the English solely responsible. It must be said, however, that Captain Elliot conducted his investigations on the spot, and held a public trial of those of the accused who were from British ships; and that the American consul remained at Macao from May 25th to Aug. 22nd, when he left for Canton (Chin. Rep., Aug. 1839).

<sup>108</sup> Quoted from judgment of Court, Aug. 13th, Chin. Rep., Aug. 1839.

family of the deceased, \$ 00 to protect them from extortion, and \$100 to the villagers who had suffered from the riot. In return he received an acknowledgment that the death was due solely to accident;<sup>109</sup> but the Chinese authorities naturally treated this as subornation of perjury. The High Commissioner also at once deputed officers to examine into the affair. With them Captain Elliot communicated frankly on July 13th;<sup>110</sup> but on the 21st he wrote enjoining on them not to issue inflammatory proclamations.<sup>111</sup> Having in his hands the result of the investigation, he appointed August 12th for the trial, and on the 3rd he notified the Chinese authorities of the fact, adding—"and if the higher officers shall be pleased to command any of the honourable officers to be present at the trial, Elliot will take care that they are received with the respect due to their rank."<sup>112</sup> This invitation was of course ignored.

§ 30. Public notice was given that a "court of justice, with criminal and admiralty jurisdiction for the trial of offences committed by her Majesty's subjects within the dominions of the emperor of China and the ports and havens thereof, and on the high seas within one hundred miles of the coast of China,"<sup>113</sup> would be held on board a British ship on August 12th. On that day bills were presented before a grand jury of twenty-three indicting an English boatswain for murder, and five sailors for being concerned in the riot. The first indictment, for murder, was ignored; but the five seamen were sent for trial before a petty jury of twelve, by whom they were found guilty. Captain Elliot, sitting as judge under the order in council, sentenced them—three to a fine of £20 and imprisonment for six months, and two to a fine of £15 and imprisonment for three months, the imprisonment to be in a prison in the United Kingdom.<sup>114</sup> The result of the trial, "that he has not been able to discover the perpetrators of this deed," was communicated to the Chinese authorities on August 16th.<sup>115</sup>

<sup>109</sup> Corr. rel. China, 1840, p. 432.

<sup>111</sup> *Ibid.*, p. 441.

<sup>110</sup> *Ibid.*, p. 440.

<sup>112</sup> *Ibid.*

<sup>113</sup> Chin. Rep., Aug. 1833. The notification follows the words of the order in council of Dec. 9th, 1833, the execution of which Lord Napier had been instructed to defer. Cf. chap. vi, §§ 3, 25.

<sup>114</sup> Chin. Rep., Aug. 1839. The sentence of imprisonment was never carried into effect, the government deciding that the authority vested in the superintendent did not give him jurisdiction over the person and liberty of the subject.

<sup>115</sup> Corr. rel. China, 1840, p. 441.

§ 31. These authorities were not disposed to recognise English jurisdiction in the matter; and, in a joint proclamation of August 2nd, by the High Commissioner, viceroy, and governor, the results of the Chinese investigation into the murder were summarised, much stress being laid on the "hush money" paid by Captain Elliot; it was declared that only English sailors were implicated, the exculpatory statement of the American consul being accepted without demur; precedents were cited of the exercise of Chinese jurisdiction over foreigners accused of homicide;<sup>116</sup> and the supply of provisions to ships at Hongkong was prohibited, except in the way laid down in the regulations, through a linguist and a licensed comprador.<sup>117</sup> The High Commissioner and viceroy then moved, with a large armed force, to Heungshan, midway between Canton and Macao; and, on August 15th, two proclamations were issued at Macao under their authority. One cut off all supplies from British subjects at Macao and on board ship—"but this is meant to apply to the English only; the Portuguese in Macao, as well as the foreigners of all other countries, being in nowise concerned in this matter," were to retain their rights. The other required all "compradors, servants, and Chinese traitors in the service of the English" to leave that service within three days, failing which they "most certainly will be apprehended and punished with the utmost rigour of the law."<sup>118</sup> These orders were promptly obeyed.

§ 32. Fearing to "compromise the English merchants further in the present difficulties with the Chinese" Captain Elliot embarked on August 21st, and two days later left Macao for Hongkong.<sup>119</sup> On the 24th the governor of Macao was called upon to expel all English merchants and their families from that place;<sup>120</sup> and on that same day an act of piracy on the schooner *Black Joke*, midway from Macao to Hongkong,<sup>121</sup> increased the fears of the English community.<sup>122</sup> The Portuguese governor gave notice that he could no longer guarantee

<sup>116</sup> Cf. especially chap. v, § 13. <sup>117</sup> Chin. Rep.<sup>1</sup> Aug. 1839. <sup>118</sup> Ibid.

<sup>119</sup> Corr. rel. China, 1840, p. 433; Chin. Rep., Aug. 1839.

<sup>120</sup> Corr. rel. China, 1840, p. 438.

<sup>121</sup> Ibid., pp. 435-439. It was charged that the Chinese officials were concerned in the act, but the evidence of their complicity is not convincing.

<sup>122</sup> "The atrocious murder aggravates our case."—J. H. Astell to Capt. Elliot, Corr. rel. China, 1840, p. 435.



their safety, and at a public meeting immediate departure was unanimously decided on. The embarkation took place on August 26th, "men, women, and children, all alike being hurried from their residences, to seek a secure retreat on board their ships. The little fleet, consisting of small boats, schooners, and lorchas, crowded with passengers, presented an affecting spectacle as it moved slowly away from the harbour."<sup>123</sup>

§ 33. On August 25th the issue was clearly expressed in a proclamation issued from Heungshan :

"Lin, High Imperial Commissioner, etc., etc., and Teng, viceroy of the Liang-Kwang, again publish a clear proclamation. In the sixth month of this year, we received the Imperial commands to promulgate the new laws concerning those foreign ships which bring opium. If they endeavour secretly to sell it, it is ordered that the principals shall be immediately decapitated, and the accessories strangled, and the property entirely confiscated to government. During six months of this year, we have been permitted to remit the punishment of death for the offences of those who voluntarily surrender their opium. This new law of the heavenly dynasty, all foreigners who come to Canton to trade must obey implicitly ; now we, the High Commissioner and viceroy, do fully explain the particulars in the clearest manner, that all you foreigners may know them.

"1st. All ships which bring no opium shall clearly announce their wish to enter the port, when, waiting until they have been examined, they can unload their cargoes. They are not allowed to loiter.

"2nd. All ships bringing opium clandestinely shall immediately make a surrender of it according to the orders, and their offences shall be remitted ; after a complete surrender, they are permitted to enter the port, open their hatches, and trade.

"3rd. If any ships presume not to enter the port, then let them instantly return to their own country, when they will not be pursued.

"4th. Let the murderer who took the life of Lin Wei-hi be instantly given up, and not implicate all foreigners in the same crime by their covert concealment of him.

"By these heads, do we, the Commissioner and viceroy, show our compassion for you foreigners, clearly explaining them that we may lead you in this new path. But if you are obstinate, will not hear and obey them, but follow your own inclinations, or think of going into bye places here and there secretly to dispose of your cargo, then it will be evident that at heart you are obstinate ; and whenever you are taken, then you will be sentenced according to the new law. If you still presume upon your numbers and oppose, it will be impossible to discriminate between the gems and the pebbles [the good and the bad] but all must be punished ; and this punishment cannot be averted by a subsequent repentance."<sup>124</sup>

<sup>123</sup> Chin. Rep., Aug. 1839. To reward the governor of Macao for his upright conduct, the High Commissioner made a state visit to Macao on Sept. 1st. —Addl. Papers rel. China, Sept. 1839, p. 8.

<sup>124</sup> Chin. Rep., Aug. 1839.

§ 34. On August 31st a proclamation was issued, which, in another nation, would have been a declaration of war. The "contumacy and stiff-necked presumption" of the English were declared to demand chastisement, and the people along the coast were called upon to

"Assemble yourselves together for consultation; purchase arms and weapons; join together the stoutest of your villagers, and thus be prepared to defend yourselves. If any of the said foreigners be found going on shore to cause trouble, all and every of the people are permitted to fire upon them, to withstand and drive them back, or to make prisoners of them. They assuredly will never be able, few in number, to oppose the many. Even when they land to take water from the springs, stop their progress, and let them not have it in their power to drink. But so long as the said foreigners do not go on shore, you must not presume to go in boats near to their vessels, causing in other ways disturbance, which will surely draw on you severe punishment."<sup>125</sup>

Another proclamation of the same date prohibited pilotage of English vessels; in case of disobedience, the naval authorities, "taking these pilots, will instantly decapitate them, and exhibit their heads at the landing-places."<sup>126</sup>

§ 35. During the whole of this anxious summer the English had been left without a national ship for their protection,<sup>127</sup> until the arrival, on August 31st, of H.M.S. *Volage*, 28, Captain H. Smith. With this force at his disposal, Captain Elliot on September 1st offered his protection to the governor of Macao, if the latter would consent to the return of the English merchants and their families; but the courtly Portuguese, with many expressions of regret, felt constrained to decline the tempting offer.<sup>128</sup> On the 2nd a notice was issued at Hongkong, enjoining on the people not to poison the wells, placards with that threat having been seen on shore;<sup>129</sup> and, on the 4th, the ships at Hongkong being in straits for fresh provisions, a remonstrance was handed to the Chinese officers at Kowloon: "Here are several thousands of men of the English nation deprived of regular supplies of food, and

<sup>125</sup> Chin. Rep., Sept. 1839; Corr. rel. China, 1840, p. 455.

<sup>126</sup> Chin. Rep., Sept. 1839.

<sup>127</sup> H.M. sloop *Larne*, 20, had been sent to Calcutta with despatches, at the end of May. The American frigate *Columbia* and sloop *John Adams*, after a short stay, left Macao on Aug. 6th for the Sandwich Islands.

<sup>128</sup> Corr. rel. China, 1840, pp. 443, 445. The offer was renewed on Sept. 12th, with the same result.—Addl. Papers rel. China, Sept. 1839, pp. 8, 9.

<sup>129</sup> Corr. rel. China, 1840, p. 448.

assuredly, if this state of things subsists, there will be frequent conflicts; and the honourable officers will be responsible for the consequences. These are the words of peace and justice."<sup>130</sup> This remonstrance was taken to Kowloon by Captain Elliot in person, and there, "after five or six hours of delay and irritating evasion," he fairly lost his temper, and opened fire on the war-junks which were, at the moment, "obliging the natives to take back their provisions," which had actually been bought and paid for. The action was inadvisable and unjustified, except by the stress of his situation; but from that time provisions came to market "at little above the usual rates."<sup>131</sup> On September 11th the master of H.M. schooner *Psyche*, having disappeared three days before, and in fear lest he might be in the hands of the authorities and held as a hostage for the surrender of the murderer of Lin Wei-hi, notice was given of an intention to blockade the port of Canton; but it was not put into effect, the notice being withdrawn on the 16th.<sup>132</sup> The reason given was that the missing man had returned; but it was also alleged that the intention was abandoned owing to the protests of the American merchants.<sup>133</sup>

§ 36. On September 12th the Spanish brig *Bilbaino*, a regular trader between Manila and Macao, was attacked by the Chinese in Macao harbour, captured, and burned. It was for a long time contended by the High Commissioner that the ship was actually the English brig *Virginia*, which was reputed to be engaged in the opium traffic; and, when that ground was abandoned, that, though under the Spanish flag, she was trafficking in opium on English account. The whole episode furnishes a fair instance of the kind of testimony which satisfied the Chinese of the guilt of an accused person or ship. The *Virginia* had, in fact, left Chinese waters some months before.<sup>134</sup> Compensation to the amount of \$25,000 was ultimately paid in June 1841, simultaneously with the payment of ransom for the city of Canton, the Spanish commissioner declaring himself satisfied.<sup>135</sup> The next month and more was spent in the

<sup>130</sup> Corr. rel. China, 1840, p. 448.

<sup>131</sup> Ibid., pp. 446, 455.

<sup>132</sup> Ibid., pp. 454-458.

<sup>133</sup> Lindsay, "Remarks on Occurrences in China," p. 17.

<sup>134</sup> Lindsay, op. cit., pp. 19 seq.; Chin. Rep., Sept. 1839.

<sup>135</sup> Papers rel. Monies received from Chinese authorities in the city of Canton under agreement of May 27th, 1841, pp. 4, 13.

exchange of charges and explanations, which may be considered under four heads.<sup>136</sup>

§ 37. The High Commissioner required that all ships engaged in the opium trade, and specifically those from which opium had been delivered in the spring, should forthwith leave Chinese waters. Captain Elliot replied by ordering all ships having opium on board to leave Hongkong; <sup>137</sup> declared that he had no authority over ships not at Hongkong, within his jurisdiction, but that no protection would be accorded them if they engaged in illicit trading; and accounted for all the spring ships, some of which had already gone, some had been sold to the Americans, and two or three were only waiting for cargoes to go.

§ 38. It was also demanded that the sixteen persons ordered to be deported should be sent away without delay. On October 5th Captain Elliot reported that six had already gone, and four were on the point of going, and that the remainder, who had the interests of other parties to close up, would in a few days be able to report the probable date of their departure; "but he still solicits consideration for D. Matheson and Henry, who have had no concern in these pursuits." This plea was rejected at first, and Captain Elliot was reminded that he had omitted Green; to which he replied that Green was an American, and not under his control. Ultimately, on October 8th, the High Commissioner relented in so far as Henry was concerned—"as he was innocent he might remain, but under close observation"; but was obdurate as regards the other innocent *déporté*—"D. Matheson is the nephew of Jardine, and no indulgence can be shown him."

§ 39. The English ships were to give the opium bond and enter into trade. For this Captain Elliot declared that he must wait instructions. Not only could he not approve, but he could not even permit any one, merchant or shipmaster, to give a bond accepting in advance, without witnesses, evidence, or trial, the penalties imposed by the new law, which, besides, might well fall on others who had not signed a bond.

§ 40. The vital demand was always for the surrender of the murderer of Lin Wei-hi. At first it took this form: "If

<sup>136</sup> Chin. Rep., Oct. 1839; Addl. Corr. rel. China, Oct.-Nov. 1839, pp. 4, 5; Addl. Corr. rel. China, Nov.-Dec. 1839, pp. 6, 13-21. <sup>137</sup> Cf. *antea*, § 25.

Captain Elliot is unable to detect the murderer among those found guilty of riot and assault, why should they not all be sent for trial by the Chinese authorities, one only being kept to answer for the crime?" Its latest form was: "The murderer must be given up for trial within ten days; delay may draw down measures of extermination." In dealing with this demand, Captain Elliot's course was clear. The last Englishman surrendered for trial and execution was the gunner of the *Lady Hughes* in 1784;<sup>138</sup> since then, for over fifty years, it had been a settled point in English policy that men accused of homicide should not be given up to trial by Chinese procedure.<sup>139</sup> Only two years before, on September 26th, 1837, Captain Elliot had written to Lord Palmerston, with reference to two lascars accused of wounding Chinese subjects: "They have been in my custody ever since; and your lordship may be assured that I will never give them up to any other form of trial than that to which I have pledged myself, namely, a trial according to the forms of British law."<sup>140</sup> On the present occasion he was not driven to refuse the surrender of an identified man accused of homicide, though doubtless he would not have hesitated to do so; but the demand he had to meet was for a scapegoat—"one only being kept," on the principle of a life for a life—and to that he could not accede.

§ 41. A stage of compromise was reached by the middle of October, and on the 20th of that month a notification was issued by the superintendent informing the British merchants that, without signing the debated bond, their ships could proceed to the Chuenpi anchorage and enter into trade on the same terms, as to payment of Chinese dues and examination of cargo, as if the ships were at Whampoa.<sup>141</sup> Meantime, however, the British ship *Thomas Coutts*, which arrived at Macao on October 18th, had applied to the Chinese on the 15th for permission to trade, her master acting on legal advice, given at Calcutta, that Captain Elliot exceeded his authority in placing an embargo on the English trade; and, having received his permit, the master took his ship straightway to Whampoa, duly signing the opium bond, with its expressed consent to

<sup>138</sup> Cf. chap. v, § 16.

<sup>139</sup> Cf. chap. v, §§ 35-42.

<sup>140</sup> Corr. rel. China, 1840, p. 231.

<sup>141</sup> Chin. Rep., Oct. 1839; Addl. Corr. rel. China, Oct.-Nov. 1839, p. 6.

submit to capital punishment and entire confiscation of ship and cargo.<sup>142</sup> A committee of merchants had expressed some criticism of the proposed method of reopening the trade,<sup>143</sup> but it is generally recognised that it was the act of the *Thomas Coutts*, in derogation of the superintendent's authority, which inspired the High Commissioner to revive the battle.<sup>144</sup>

§ 42. On October 25th came a peremptory order for the surrender of the murderer of Lin Wei-hi, and that the ships should either enter or sail away within three days, under penalty of complete destruction by fire.<sup>145</sup> On the 27th a further order was received, stating that, with the cargoes accumulated through half a year of stoppage of trade, lightering from Chuenpi to Canton would consume too much time; the *Thomas Coutts* had entered the river, and the *Mermaid*, bought by the Americans, had also entered, both giving the required bond; why should not all ships act in the same way? Further, there was no attempt made to stop the opium traffic and the

<sup>142</sup> Addl. Corr. rel. China, Oct.-Nov. 1839, p. 8; Lindsay. "Remarks on Occurrences in China," p. 43.

<sup>143</sup> Memorandum of Oct. 22nd; Chin. Rep., Oct. 1839; Addl. Corr. rel. China, Oct.-Nov. 1839, p. 7.

<sup>144</sup> Another ship, the *Royal Saxon*, had intended to enter at the same time as the *Thomas Coutts*, and her master signed the bond in October; but, being delayed by the outbreak of hostilities, she passed up to Whampoa on Dec. 29th. —Lindsay, op. cit., p. 64. The bond signed by these two shipmasters was verbatim in the following form (Chin. Rep., Oct. 1839):

#### A TRULY AND WILLING BOND

The foreigner..... commander of ship belong to..... under  
..... consignment, present this to His Excellency the Great Govern-  
ment of Heavenly Dynasty, and certificate that the said ship carry.....  
..... goods come and trade in Canton; I, with my officer,  
and the whole crew are all dreadfully obey the new laws of the Chinese  
Majesty, that they dare not bring any opium; if one little bit of opium was  
found out in any part of my ship by examination, I am willingly deliver up  
the transgressor, and he shall be punish to death according to the correctness  
law of the Government of Heavenly Dynasty; both my ship and goods are to  
be confiscate to Chinese Officer; but if there found no opium on my ship by  
examination then I beg Your Excellency's favour permit my ship enter to  
Whampoa and trade as usual; so if there are distinguish between good and  
bad, then I am willingly submit to Your Excellency; and I now give this  
bond as a true certificate of the same.

Heavenly Dynasty, Taou-Kwang year moon  
day,

Name of Captain..... Number of Officers.....  
" " Ship..... " " Crew.....

<sup>145</sup> Chin. Rep., Oct. 1839.

resulting homicides along the coast; and the traitorous natives on foreign ships must all be given up. If Elliot did not do his duty in these matters, then "must we send our war vessels to Hongkong to surround the ships and apprehend all the offenders, those connected with murder, those connected with opium, as well as the traitorous Chinese concealed on board the foreign ships."<sup>146</sup>

§ 43. Captain Elliot replied but briefly that the British government would give no protection to persons "pursuing those guilty and sordid practices," but that events along the coast were outside his authority.<sup>147</sup> Upon receipt of the earlier of these two communications he called upon Captain H. Smith of the *Volage*, as "H.M.'s naval officer in command in China," conjuring him to "take such immediate steps as may seem to you to be best calculated to prevent the future entrance of British shipping within the grasp of the government, to the incalculably serious aggravation of all these dangers and difficulties."<sup>148</sup> Captain Smith left Macao on the 28th with the *Volage* 28 and *Hyacinth* 20, and, delayed by head winds, arrived at Chuenpi on November 2nd. He at once sent on shore a note addressed to the High Commissioner and viceroy, demanding of them that they should withdraw their orders for the destruction of English ships by war-junks and fire-ships, and that they should permit English merchants and their families to reside on shore without danger of seizure, and to have their servants and supplies.<sup>149</sup>

§ 44. During the forenoon of November 3rd, twenty-nine war-junks were seen coming towards the two English ships, apparently prepared for action. Captain Smith sent off at once a note stating that he had "peremptorily to request that all their vessels instantly return to the anchorage north of Shakok. It will be well to do so." To this the Chinese admiral replied: "At this moment all that I want is the murderous foreigner who killed Lin Wei-hi, a single individual"—adding that his fleet would be withdrawn as soon as an undertaking was given to surrender the man within a stated time.<sup>150</sup> Captain Elliot, who was on board the *Volage*, replied:

<sup>146</sup> Addl. Corr. rel. China, Nov.-Dec., 1839, p. 34.

<sup>147</sup> Chin. Rep., Oct. 1839.

<sup>148</sup> Addl. Corr. rel. China, Oct.-Nov. 1839, p. 13.

<sup>149</sup> Ibid., p. 37.

<sup>150</sup> Ibid., p. 13.

"Elliot again and again solemnly repeats that he knows not the murderer of Lin Wei-hi; that he should have been punished if he had been discovered, and that he shall be punished if he be apprehended."<sup>151</sup> Captain Smith thereupon opened fire to force the Chinese fleet to withdraw. In the action which followed, there was small loss on the English side, but on the Chinese four junks were blown up or sunk, and the rest retired much damaged.<sup>152</sup> This was the outbreak of the war, and it now becomes necessary to review the motives and actions of the parties to it.

§ 45. Commissioner Lin's entire course is clear as crystal. His one motive was to suppress the importation and consumption of opium, and to secure that end he was ready to adopt all means; and his plan, settled in all its details before his arrival in Canton,<sup>153</sup> was that outlined more than two years before in Hsükiu's memorial.<sup>154</sup> His first step was to seclude the entire foreign community, guilty and innocent together, acting on the Chinese doctrine of responsibility,<sup>155</sup> and holding the generality answerable for every act, past or future, of each individual; and this he did to get into his possession the opium which was then in Chinese waters but not yet sold, and to obtain guarantees that no more should ever be introduced to replace it. There is no suggestion that the lives of the foreigners, even of Mr. Dent, were ever in any peril<sup>156</sup>—that there might be a repetition of the Black Hole of Calcutta; nor did the seclusion amount, nor was it likely ever to amount, to a Chinese imprisonment with its attendant horrors.<sup>157</sup> It

<sup>151</sup> Addl. Corr. rel. China, Oct.—Nov. 1839, p. 14.

<sup>152</sup> Chin. Rep., Nov. 1839.

<sup>153</sup> Mr. Robert Inglis, a partner in the firm of Dent & Co., had prepared to return to England, and applied for his permit to leave Canton some days before the arrival of the High Commissioner. He was put off on one pretext or another again and again; and when finally, a few days before March 18th, he obtained a permit from the customs authority, it was only to find that the military authorities refused to recognise it. Ultimately his departure was deferred so long that he was shut up in the factories with the rest of the community.—Sel. Comm. H. of Commons, 1840, evidence of R. Inglis, Q. 6-9.

<sup>154</sup> Cf. chap. viii, § 19.

<sup>155</sup> Cf. chap. v, § 39.

<sup>156</sup> Otherwise than from the danger, always much greater in China than elsewhere, arising from the unregulated zeal of subordinate agents.

<sup>157</sup> The reader who wishes an unvarnished account of Chinese prisons, and is willing to risk nightmare, is referred to Wingrove Cooke, "China" (Times Correspondence, 1857-1858), chap. xxix.



was, however, much more than "confinement to barracks"; the foreigners were "prisoners at large"; accustomed to being served, they were deprived of all service; dependent on the market, their supplies of fresh provisions were cut off; for drinking and cooking they were driven to use water almost too polluted for bathing; and there hung over them always the black cloud of impending dangers of unknown kind and magnitude. There was no relenting and no prospect of it, and the opium in Chinese waters was surrendered as ransom. The authorities did not go out to seize it, as was their right, and then destroy it, as was their right; they required it to be brought within their reach, as a precedent condition of release from close seclusion. In the matter of the bond, Commissioner Lin was less successful. The foreigners were willing to sign, each for himself, a declaration that each signatory would no longer introduce opium; but this fell far short of the end aimed at, which was that the signatures of those then in the High Commissioner's power should bind, not only themselves, but also all future comers, and not only those of their own nationality, but all of all nationalities, not being Chinese. This extreme view was abandoned; but, by the procedure then enacted, the signature of the master of each ship was to commit himself and his mates and crew, and his owners, with their correspondents and employés, to unquestioning acceptance of the penalties of death or confiscation, as the case might be; and though some form of investigation and trial might have come to be provided in time, yet Chinese practice would never voluntarily have abandoned the doctrine of responsibility, and would inevitably have substituted baseless charges and unsubstantiated rumour for investigation, and Jedwood justice for fair trial. When the foreign community was released, it was because the High Commissioner had obtained, as he thought, all he could hope for; and it was a bitter disappointment to him that Captain Elliot showed himself no less ready to "stop the trade" than the Chinese authorities themselves, or than the East India Company had been in the days of its power; and it was no less bitter to find that he could not cut the root of the illicit coastwise traffic, but must meet it at every point where it existed. His intervention in the Lin Wei-hi affair was justified by the Chinese

law, and necessary from the Chinese point of view; but it was none the less a tactical error, since it drew the attention of the Western world to the fact that there were other matters at issue than the opium question.

§ 46. Captain Elliot's authority for what he did was questioned at the time, to some extent at Canton and Macao, and in a greater degree in England, both in the country and in parliament; but, as his government continued the policy to which his acts inevitably led, the question of the limits of his authority need not occupy us, and to-day, seventy years later, we are concerned solely with the necessity and the wisdom of his course. When the High Commissioner unmasked his batteries, the superintendent began by assuming the "firm tone and attitude," to the adoption of which English opinion had by this time come, as the only course providing a remedy for the defects in international relations as they then existed at Canton;<sup>158</sup> but, within forty-eight hours afterwards, he saw that the only plan possible at the time was to yield to *vis major*, and to obey the "commands"<sup>159</sup> laid upon him by the Chinese, to the utmost extent to which he could stretch his authority. He demanded the surrender of all British-owned opium then in Chinese waters, brought it within the power of the Chinese authorities, and surrendered it as the act of the agent of the British government; but, while undertaking (in direct opposition to his instructions<sup>160</sup>) to restrain British dealings in opium within the limits of his jurisdiction, he refused to sanction the signing of general bonds which should, on the one hand, dictate to the British government its fiscal and economic policy in vast areas outside Chinese jurisdiction, and, on the other, should, without any form of trial, impose the death penalty and entire confiscation of the ship and her lading, not only on the signer of the bond, but on others who were not parties to it. When freed from his detention at Canton, he stopped the trade as far as he could, following the policy adopted on many previous occasions, both by the Chinese and

<sup>158</sup> Cf. chap. vi, § 28.

<sup>159</sup> "It seemed to me that 'demand' implied less of unconditional constraint than the bare 'command' to a person actually in the situation of a close prisoner, which was my position at that moment."—*Corr. rel. China*, 1840, p. 427.

<sup>160</sup> Cf. chap. vii, § 13; chap. viii, § 38.

by the East India Company, as a means of securing important objects. The only reason given, whether to the Chinese or to his own government, was that in the actual situation he must await instructions. Representations made to the British government from all quarters, whether from Lord Napier,<sup>161</sup> Mr. Davis,<sup>162</sup> Captain Elliot,<sup>163</sup> the merchants at Canton,<sup>164</sup> or the manufacturers and merchants of England,<sup>165</sup> indicated that, to secure the redress of grievances which pressed upon British traders and their trade at Canton, resort would in the end have to be made to armed force; and there is no doubt that this was the end which Captain Elliot clearly foresaw. Notwithstanding this, his course for five months following the exodus from Canton gave no fresh and unnecessary provocation to war; to certain of the demands made upon him he assented, others he rejected as beyond his powers;<sup>166</sup> and on the whole he was as yielding and conciliatory as was permitted by the line of policy which he had laid down for himself—that of maintaining the status quo until his government could formulate its own policy. This course might have been followed until the British government should have sent the instructions for which he waited, had his hand not been forced by the revived activity of the High Commissioner, consequent upon the entry of the *Thomas Coutts* into the trade.

§ 47. Among the merchants at Canton there was, naturally, some diversity of opinion. Among both American and English there were some who abstained from dealings in opium on conscientious grounds; but they were at one with their fellows in holding that international relations required readjustment.<sup>167</sup> The Americans generally accepted all the requirements of the High Commissioner. This they could safely do, so long as

<sup>161</sup> Cf. chap. vi, §§ 21, 26.

<sup>162</sup> Cf. chap. vii, § 1.

<sup>163</sup> Cf. chap. viii, § 25; also *antea*, §§ 8, 12.

<sup>164</sup> Cf. chap. vii, §§ 4, 5; *postea*, § 47.

<sup>165</sup> Cf. chap. iv, § 19, n. 57; *postea*, § 47.

<sup>166</sup> Cf. *antea*, §§ 37-40.

<sup>167</sup> "A chapter of grievances:

"1. British merchants are liable to be sent away according to the pleasure of the Chinese government, without sufficient cause being assigned.

"2. During their stay in Canton they are debarred from the society of their families, no foreign ladies being allowed to reside in Canton.

"3. The restraint on personal liberty is such, that foreigners are prohibited from taking healthful exercise, for which their habitations are too confined.

"4. In case of homicide, the foreigners have not the benefit of the law in

England continued to fight the battle of the West, since the signing of a bond committed the signer only for the moment, and did not compromise his future; and acquiescence gave them a neutral status which is so profitable in times of disturbed relations. This neutral attitude was, moreover, as convenient to the English as it was profitable to the American. The English at Canton spoke with no uncertain voice. Their memorial of December 9th, 1834,<sup>168</sup> before opium was in any way in question, was of the same general effect as their memorials of 1839,<sup>169</sup> when they were in the midst of the opium crisis; or, where it differed, it was more pronounced in pointing out that, to effect any reform, it was demands, and not petitions, which must be presented to the Chinese government. At the earlier date the memorialists were "confident that resort even to such strong measures as these, so far from being likely to lead to more serious warfare, an issue which both our interests and inclinations alike prompt us to deprecate, would be the surest course for avoiding the danger of such a collision"; and later memorials from Chambers of Commerce in the United Kingdom repeated this confident assertion. Colonists are always

force among the Chinese, but they are punished according to an oppressive law made expressly for, and enacted only against, foreigners.

"5. The trade is confined to Canton alone, instead of permission being given to trade at all the ports of the empire.

"6. The monopoly of the Cohong, while exercising an undue control over the foreign trade, renders it at the same time unsafe, from the insolvent state of many of the Hong merchants.

"7. The undue interference of the government with these Hong merchants, who, being appointed by the former to transact foreign trade, ought to be subject to arbitrary fines and punishments, renders them frequently unable to do justice to their foreign creditors.

"8. The foreign merchant has no control over his own property, after its having been landed.

"9. Foreign merchants are not allowed to build warehouses to store their property, which not only at present is completely under the control of the Chinese, but is in considerable danger from fire, the warehouses of the Hong merchants being in the most crowded parts of the suburbs, so that any fire breaking out during the winter, the north wind, carrying it to southward, endangers their safety.

"10. Foreigners have no control over merchandise shipped from China, shipment being made through the Hong merchants and their servants, and the property exposed to all sorts of malpractices.

"11. We have no fixed tariff of duties, which latter are generally paid by the Hong merchants, except in cases where foreigners wish to take their goods to their own premises, when the latter pay the duties according to the best bargain they can make with the linguists."—*Chin. Rep.*, March 1838.

<sup>168</sup> Cf. chap. vii, § 5.

<sup>169</sup> May 23rd *Corr. rel. China*, 1840, p. 418; Sept. 7th, *ibid.*, p. 452.

more zealous for a bold policy than the home government, which is responsible for the cost and for the results, direct and indirect, of such a policy; but in this case the bold policy was soon seen to be inevitable.

§ 48. The British government had deferred formulating a policy as long as it could, and longer than it should. In 1833 it had completely transformed the conditions of British trade at Canton,<sup>170</sup> substituting, in effect, pure anarchism for the autocratic control which had existed before; and it provided no machinery for regulating the trade under its changed conditions. Repeated requests were sent for instructions and for increased authority; but, during more than five years, beyond specific injunctions not to exceed their authority and not to interfere unduly with the operations of the merchants, the superintendents received no instructions which gave any indication of the general, or even of the specific, views of their government. The full report of occurrences at Canton during the period of seclusion of the foreign community was received at the Foreign Office on September 21st, but still no instructions were sent; and it was only after the full development of the Lin Wei-hi affair was known, after the report of the action of November 3rd had been received, that the future action of the British government was determined, except that orders were issued for the despatch of ships of war, and for the mobilisation of a small

<sup>170</sup> "As long as the very preposterous notions of the emperor, that we have before alluded to, in regard to foreign commerce, were confined principally to theory, foreigners laughed, grumbled, and blustered, according to circumstances, but *continued to trade*, thus strengthening the belief of the Chinese in their own assertions, that the trade was as necessary to us as air. When, however, these notions were found to assume the substantiality of practice; when the system of intercourse was developed beyond a doubt; when it stands out in all its extensive application, exemplifying its theory, then it becomes time to have the terms on which this intercourse is to be kept up specified, to settle on what exact conditions we are to trade and be friends, and to determine what shall be the latitude of mutual forbearance. In 1833 the British government thought proper to throw the trade to China open to all British subjects, abolishing the exclusive right of the East India Company to carry it on after April 1834; and they passed an act of parliament to this effect. Before the trade could, however, be free, there were two parties whose consent was necessary, England and China. England did what she could, and, after passing the act of parliament, appointed superintendents to watch over the free trade. More she could not do, after the treatment of her ambassador many years before; and she was obliged to trust to time to accomplish the rest, with a nation so proud, arrogant, and impracticable as the Chinese."—*Chin. Rep.*, May 1840.

expeditionary force in India.<sup>171</sup> In parliament the subject was debated; the supporters of the administration supported it, taking the ground of restraint of trade, insult to the flag, and danger to the persons of British subjects; and the opposition opposed, standing on the ground of refusing to go to war in support of a vicious and demoralising traffic. The country, inarticulate though it was then, brought its pressure to bear. Between September 1839 and May 1840 memorials<sup>172</sup> from the East India and China Association of London, and the Chambers of Commerce of London, Glasgow,<sup>173</sup> Manchester, Leeds, Liverpool, Blackburn, and Bristol, all urged the government to "act with firmness and energy." Even now, however, there was no declaration of war. The order in council of April 3rd, 1840, referred generally only to the "injurious proceedings" of the Chinese, and to the necessity of obtaining "satisfaction and reparation"; and with that object declared that it was "expedient to detain and hold in custody the ships of the Chinese and their cargoes." It was reprisals, not war, which the government intended to make, unless the Chinese government refused to make reparation and concessions.

§ 49. To the Chinese, opium was the one reason for the war, and, with a just cause, they expected fully the support of the Western world. In the famous letter written by Commissioner Lin to Queen Victoria,<sup>174</sup> he betrayed no consciousness that there had ever been any other cause of dispute, or that the Queen's subjects had any grievance requiring to be redressed; opium was the sole subject treated, and the obligation imposed on the Queen's government to see to it that none came in to poison the people of the inner land. To the foreigners in general, with the English pushed into the forefront, opium was an incident. Whether the British government would have allowed a British subject, even after a fair trial, to be executed by decapitation, or even by the mitigated penalty of strangulation, for an act of smuggling, even of so special an article as opium, must remain an academic question; but it is very unlikely that it could ever have happened during Lord Palmer-

<sup>171</sup> The first ships of war and transports arrived at Hongkong June 21st, 1840.

<sup>172</sup> Memorials, etc., presented to both Houses of Parliament, Aug. 1840.

<sup>173</sup> Glasgow, in 1838.

<sup>174</sup> Chin. Rep., Jan. 1840.

ston's long connexion with the control of foreign affairs. Of other grievances there was a long list,<sup>175</sup> all weighing on the foreign merchants and calling for remedy; and war had been hanging in the air from the time of Lord Napier's protest<sup>176</sup> on. War came when it did because the Chinese had precipitated a crisis by a vigorous campaign against opium; but it was not fought to uphold the trade in opium, and it was only the beginning of a struggle, which lasted for twenty years, and which was to decide the national and commercial relations which were to exist between the East and the West.<sup>177</sup>

<sup>175</sup> Cf. *antea*, § 47, n. 167.

<sup>176</sup> Cf. chap. vi, § 21.

<sup>177</sup> "This (opium) is a mere incident to the dispute, but no more the cause of the war than the throwing overboard the tea in Boston harbour was the cause of the North American revolution. . . . The cause of the war is the *kotow*."—John Quincy Adams, lecture before the Massachusetts Historical Society, Dec. 1841.

"The irrepressible conflict provoked by these indignities was precipitated in 1839 by the action of the new viceroy, who undertook to effect a summary suppression of the traffic in opium."—W. A. P. Martin, "The Awakening of China," p. 153.

"The first war with China was but the beginning of a struggle between the extreme East and the West, the East refusing to treat on terms of equality, diplomatically, or commercially, with Western nations, and the West insisting on its right to be so treated."—F. L. Hawks Pott, "A Sketch of Chinese History," p. 134.

"And, in short, after eight months more of haggling and applying wet cloths, Walpole has to declare war against Spain, the public humour proving unquenchable on that matter—War, and no Peace to be, till our undoubted right to roadway on the oceans of this planet become permanently manifest to the Spanish Majesty. Such the effect of a small ear. . . . Has not Jenkins's Ear re-emerged with a vengeance? It has kindled a war. . . ."—Carlyle, "Frederick the Great," Book x, chap. vii.

"This war, which posterity scoffs at as the 'War for Jenkins's Ear,' was, if we examine it, a quite indispensable one. . . . Not perhaps since the grand Reformation controversy, under Oliver Cromwell and Elizabeth, had there been a more authentic cause of war."—*Ibid.*, Book xi, chap. vi.

"George II's Spanish war had a real necessity in it. Jenkins's ear was the ridiculous outside figure this matter had. Jenkins's ear was one final item in it; but the poor English people, in their wrath and bellowings about that small item, were intrinsically meaning 'Settle the account; let us have that account cleared up and liquidated; it has lain too long.'"—*Ibid.*, Book xii, chap. xi.

## CHAPTER X

### WAR AND NEGOTIATION

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§ 1. THE High Commissioner Lin had struck at the foreign importers and native dealers in opium; he had struck at the claim that the English were to be judged by their own law; and he had struck finally at the pretension that the English ships might remain outside the port of Canton, the sole authorised staple for the foreign trade, and so avoid compliance with the recent enactment requiring signature of the penal bond as a condition precedent to trading. In acting thus, he was fully aware that he was face to face with war, but his only reply to representations on the subject was: "We have no fear of war."<sup>1</sup> Meanwhile, he continued the crusade against the use of opium among his own people. On July 6th, 1839, he had issued a proclamation warning the people of the evils of opium-smoking, and giving eighteen months' grace, within which they must wean themselves from the habit, on penalty of death. In May 1840 a proclamation from the Kwangchow-fu warned the people of his prefecture, which includes the city of Canton, that the term of grace would expire on January 17th, 1841, and gave notice that a reformatory, with separate cells, was established outside the Yungtsing gate, to which smokers were urged to go to cure themselves of the habit.<sup>2</sup> On September 27th the High Commissioner<sup>3</sup> issued a proclamation in the following words:

"Whereas, after the term allowed for smokers of opium to reform shall have expired, they who transgress must die, we once more therefore,

<sup>1</sup> Personal conferences between the High Commissioner and the editor of the Chinese Repository, in June and Sept. 1839.—*Chin. Rep.*, Sept. 1839 and Jan. 1840.

<sup>2</sup> *Chin. Rep.*, May 1840. The editorial note comments on the fact that gambling is strictly prohibited by the laws of China, but that it is extensively practised with the open connivance of the police.

<sup>3</sup> It will avoid confusion if Lin is still referred to as High Commissioner during the brief remainder of his exercise of sole power at Canton. As a result of the naval action of Nov. 3rd, 1839, Viceroy Teng Ting-cheng had in February 1840 been transferred to the less influential and much less lucrative viceroyalty of Yun-Kwei, and Lin had been appointed Canton viceroy, in order that he might have the sole responsibility of disentangling the Canton difficulty. He was degraded, and was succeeded by Kishen, the Imperial orders having been received on Sept. 27th, the day on which this proclamation was issued.

and in the most urgent manner, make known our clear commands, that human life may be spared, and those awakened who are still in the deceptive road. According to the new law, ordained and widely promulgated last year by Imperial authority, the criminal smokers of opium were allowed a year and a half, wherein if they fail to reform, whether officials, soldiers, or people, one and all are to be strangled. In the province of Canton the term was extended from the promulgation of the law, July 6th, 1839, to December 19th, 1840.<sup>4</sup> One year and two months have already elapsed; to complete the period, there only remain about one hundred days. Death will then stand before your eyes."<sup>5</sup>

§ 2. Trade matters were at a standstill. On November 20th, 1839, Captain Elliot notified that British ships would be forcibly prevented from entering the port of Canton, to which the High Commissioner replied by issuing orders on the 26th that, after December 6th, no British ships would be allowed to enter; and he followed this up by a proclamation on January 5th, 1840, closing Canton "forever" to British ships and the produce of Great Britain or any of her dependencies.<sup>6</sup> Quite in Chinese fashion, however, he took no steps to prevent the continued introduction of English goods in neutral bottoms.<sup>7</sup> The Chinese continued a petty annoyance of the English ships at Hongkong and Tongku, but otherwise there was no hostile movement on either side until the following June.

§ 3. Cargoes of English goods continued to arrive in English ships, but could not, legally and openly, be sent to Canton, owing to the reciprocal embargo which had been placed on trade; and their retention on board ship caused great expense and loss. Captain Elliot, accordingly, on January 1st, addressed to the governor of Macao a request that they might be landed

<sup>4</sup> The term of grace of eighteen months was, according to the Kwangchow-fu's proclamation, from the 26th day of the 6th month to the 25th day of the 12th month; according to that of Commissioner Lin, from the 26th day of the 5th month to the 25th day of the 11th month. The original proclamation has not been preserved.

<sup>5</sup> Chin. Rep., Oct. 1840. No more than the due importance must be attached to the infliction of the death penalty in Asiatic countries, where the life of the subject who opposes the government is held cheap. Few editors of opposition newspapers of the Western democratic type would keep their heads on their shoulders for a month, where an unreformed Asiatic government is not kept in check by the expression of non-Asiatic public opinion. During the years from 1831 to 1851 there are, in the Chinese Repository, frequent editorial notes of which the following is typical. "Decapitations during the month have been very numerous; more than thirty criminals were brought to the sword on a single day."—Chin. Rep., June 1838. During the Taiping rebellion they were still more numerous.

<sup>6</sup> Chin. Rep., Jan. 1840.

<sup>7</sup> Ibid., Oct. 1842.

at Macao on deposit, paying the ordinary town dues, but under a pledge that they should not enter into the Chinese trade. The governor replied, on January 16th, saying that the Chinese would not allow the cargoes to be landed on any part of their territory, and would certainly visit upon the Portuguese any apparent support given by them to the English; and he begged to be excused from placing his people in such peril.<sup>8</sup> On February 1st the Taotai<sup>9</sup> placarded on the walls at Macao a proclamation threatening to march in force to seize Captain Elliot and five others named, "who had taken foreign women with them, and gone to reside permanently in the town"; and two days later, on the 3rd, Chinese soldiers were reported to have surreptitiously entered Macao.<sup>10</sup> Captain Elliot applied to the Portuguese government for a guard of soldiers, which was refused;<sup>11</sup> and the next day H.M.S. *Hyacinth* moved into the inner harbour. This step created much agitation among both Chinese and Portuguese,<sup>12</sup> and, under a fire of official protests, Captain Smith agreed to withdraw his ship. Chinese troops, who were marching towards Macao on the 5th, retired on receiving assurances to this effect; and the *Hyacinth* withdrew on the 6th.<sup>13</sup> Captain Elliot was, accordingly, forced to continue to use his ships as his commercial base, and became more impressed than before with the impossibility of conducting the trade with Canton without a permanent lodgment on shore to serve as depot.

§ 4. On February 12th was published at Canton an Imperial edict of December 29th, appointing Commissioner Lin to the Canton viceroyalty, confirming the decision to place a perpetual embargo on English trade, and commanding him to see that it was not continued surreptitiously through the neutrals—that "they do not ship away silver with which again to buy opium, and do not supply the English with our tea and rhubarb, which they are never more to have."<sup>14</sup> The Imperial orders were

<sup>8</sup> Lindsay, "Remarks on Occurrences," p. 68; Canton Register, Jan. 28th, cited in Chin. Rep., Jan. 1840.

<sup>9</sup> In addition to the Taotang, subordinated to the Heungshan-hien, a Taotai, superior to both the Hien and the Kwangchow-fu (cf. chap. i, § 15), had recently been appointed to supervise the affairs of Macao.

<sup>10</sup> Lindsay, op. cit., pp. 71-72.

<sup>11</sup> Canton Register, Feb. 4th, in Lindsay, loc. cit.

<sup>12</sup> Cf. chap. iii, § 4.

<sup>13</sup> Lindsay, op. cit., pp. 72-74; Chin. Rep., Feb. 1840.

<sup>14</sup> Lindsay, op. cit., p. 75.

duly promulgated through the Hoppo, but, as their execution was committed to the Hong merchants, they remained practically a dead letter. The neutral trade continued, then, but it was under some difficulties. Consuls other than British had been commissioned to Canton for many years past, and, though they received no recognition in their official capacity as representing their government, they had, being themselves merchants, the status and responsibilities of taipan over the merchants of their nationality. The American consul, Mr. P. W. Snow, in March 1839, had been called upon to show cause why the Americans should not surrender opium equal in quantity to that surrendered by the British, and his explanation, supported by Captain Elliot, had been accepted;<sup>15</sup> in July he had assured the High Commissioner that no American sailor was implicated in the Lin Wei-hi affair, and his assurance had been accepted;<sup>16</sup> in August he had been allowed to return to Canton to his business;<sup>17</sup> but all this consideration, shown when it suited the High Commissioner's purpose, did not prevent his being treated with great indignity by subordinate Chinese officials when on his way down from Canton in April 1840.<sup>18</sup> The trade of the Americans, however, for themselves and for others, continued without impediment. In addition to their own ships and English ships bought for the purpose,<sup>19</sup> they had two which had been transferred from the English to the Danish flag;<sup>20</sup> and all these they used, both for their legitimate trade and for the trade conducted on behalf of the English. Signs of impending trouble were, however, soon visible, and on April 25th a petition, signed by eleven firms and individual merchants of the American community, was presented to the viceroy, referring to "intelligence received from England and America to the effect that, from about

<sup>15</sup> Cf. chap. ix. § 16.

<sup>16</sup> Cf. chap. ix, § 29, n. 107.

<sup>17</sup> Ibid.

<sup>18</sup> "Soon after leaving Canton, his boat, on stopping at one of the military stations for the examination of her papers, was detained, and her people treated in a manner that in any other country would call for explanation."—Chin. Rep., April 1840.

<sup>19</sup> Cf. chap. ix, §§ 28, 37.

<sup>20</sup> The *Vansittart* and *Mithras*, renamed the *Danske König* and *Norden*, subsequently seized by the Chinese authorities on the ground of fraudulent transfer.—Lindsay, op. cit., p. 69. Later on they were released.—Chin. Rep., Feb. 1840.

June 1st, a blockade of Canton was to be established by the English," and asking that their ships might be allowed to come directly to Whampoa and open their hatches without the customary delay of from ten to even thirty days. The High Commissioner returned the petition, as needing no official reply, but noted on it that "it is an egregious mistake and close on an audacious falsehood to assert that the English contemplate establishing a blockade."<sup>21</sup> None the less, a feverish impulse was given to the neutral trade, which continued up to the last day the port remained open.<sup>22</sup>

§ 5. Captain Elliot's despatches to May 29th, giving his full report of the forcible detention of the superintendent and the whole foreign community, the surrender of the opium, the withdrawal of the British merchants and the embargo preventing British ships from entering the port,<sup>23</sup> together with the strongly worded memorial of May 23rd from the British merchants,<sup>24</sup> were received at the Foreign Office on September 21st; his report on the delivery of the opium and on the form of receipt given for it was not received until December 2nd; and his report of the Lin Wei-hi affair and of the expulsion from Macao was received on January 9th.<sup>25</sup> Despatches in reply leaving Plymouth on October 24th were received by Captain Elliot on February 15th, and despatches of November 4th on February 20th. They were, therefore, based solely on reports to May 29th, but it is stated that they "confirm the propriety of Captain Elliot's conduct in withdrawing the British residents from Canton."<sup>26</sup> The intended blockade, of which the Americans in Canton had heard in time to take concerted action on April 25th,<sup>27</sup> can hardly have been ordered upon information received in London as late as January 9th; and, in fact, the instructions for the blockade of June, which is also the policy of the order in council of April 3rd, were issued on Novem-

<sup>21</sup> Chin. Rep., May 1840.

<sup>22</sup> Cf. reference to the *Cambridge*, chap. ix, § 28.

<sup>23</sup> Cf. chap. ix, §§ 3-22, 26.

<sup>24</sup> Cf. chap. ix, § 47. This memorial was "signed by practically all the British (English and Parsee) firms, except Jardine, Matheson & Co."—Sel. Comm. H. of Commons, 1840, evidence of A. Matheson. Cf. chap. vii, n. 11.

<sup>25</sup> Cf. chap. ix, §§ 29-32.

<sup>26</sup> Canton Register, Feb. 18th, 1840, cited in Lindsay, op. cit., p. 79. Cf. appendix B.

<sup>27</sup> The news appears to have reached Canton on March 18th by a ship which left Calcutta on Jan. 27th.—Lindsay, op. cit., p. 94.

ber 4th, and were, therefore, based on the situation as it existed on May 29th, 1839. Captain Elliot had disobeyed his instructions at every point; he had exceeded his authority, notwithstanding every effort of Lord Palmerston to curtail it; he had adopted at, and outside, Canton a policy which must inevitably bring his country, if not into war, at least to the state of reprisals to which it was attempted to limit the war; and yet the responsibility cannot be placed on him. In later years, with more rapid steam communication, the Foreign Secretary could assert that "H.M.'s government cannot delegate to H.M.'s servants in foreign countries the power of involving their own country in war";<sup>28</sup> but in those days of slow communication, governments must often have found themselves forced by their agents into action which they had not previously contemplated. This was the case in the present instance. Lord Napier had warned Lord Palmerston of the possibility of his being forced into a forward policy; Mr. Davis and Sir G. Robinson had adopted the silent and quiescent plan in order to leave the way clear for the government to formulate a policy; Captain Elliot had given warning of the probable necessity for the exercise of force; and, when the crisis came, the government took upon its own shoulders the responsibility for what had been done, and resolved on a forward policy to force the Chinese to make reparation for the past and give security for the future. Its full approval of Captain Charles Elliot's proceedings to the end of September is further shown by his appointment as plenipotentiary conjointly with his cousin, Admiral the Hon. George Elliot,<sup>29</sup> and by the nature of the instructions to the two plenipotentiaries, which were dated February 20th.<sup>30</sup>

§ 6. During the winter and spring the English ships, with the greater part of the merchants and their families on board, had been at Tongku; they had, against the protest of all the ship-masters and insurance agents, been ordered to that anchorage as a military measure, owing to the impossibility of protecting the Hongkong anchorage with the small force at

<sup>28</sup> Lord Clarendon to Sir R. Alcock, Jan. 28th, 1869, Corr. rel. China (No. 2), 1869, p. 76.

<sup>29</sup> Cf. *postea*, § 6.

<sup>30</sup> Cf. *postea*, § 16; chap. xi, § 2; appendices A, B.

Captain Smith's disposal.<sup>31</sup> Before moving from Hongkong they had, on November 13th, been exposed to cannonade from the Kowloon side; and at Tongku they were, on February 28th, attacked by fire-rafts, but without suffering loss.<sup>32</sup> At the end of April, in anticipation of the coming of the south-west monsoon, they moved down to Kapsingmoon,<sup>33</sup> where, on May 9th, they were attacked by no less than ten fire-ships.<sup>34</sup> War-ships and transports now, from June 21st, began to arrive, and on June 22nd the senior naval officer, Commodore Sir James John Gordon Bremer, issued two notifications; the first established a "blockade of the river and port of Canton by all its entrances on and after the 28th instant"; the second appointed Kapsui-moon and Macao roads as anchorages permitted to merchant shipping.<sup>35</sup> In the interval Admiral George Elliot arrived, bringing a commission appointing himself and Captain Charles Elliot respectively H.M.'s first and second commissioner, procurator, and plenipotentiary. The British forces now in Chinese waters were as follows: 16 ships of war mounting 540 guns, 4 armed steamers, 1 troop-ship, 27 transports, and troops numbering 4000 of all arms, including two English regiments.<sup>36</sup> Colonel Burrell was in command of the land troops, with Colonel Oglander, who died at sea on the way to Chusan, as second in command;<sup>37</sup> but Admiral Elliot was in supreme command of the combined forces.

<sup>31</sup> The protest was signed by thirty-five ship-masters and twenty merchants, among them the agents of fifteen insurance companies. The *Volage* went to Tongku on Nov. 12th; the merchant fleet, being fired upon on the 13th, followed on the 15th with the *Ilyacinth*.—Lindsay, *op. cit.*, p. 49.

The protest represented that Tongku was more exposed to danger from fire-rafts, which was true; but Captain Elliot pointed out that it was more easily defensible otherwise, being open only at two points, and that it was twenty miles nearer to Macao and to the Bogue, both of which needed watching.—Capt. Elliot to Lord Palmerston, Nov. 17th, Addl. Corr. rel. China, Nov.—Dec., 1839, p. 39.

Lindsay (*op. cit.*, p. 51) suggests that Captain Elliot's true motive was "his strong desire to get rid of the opium vessels, whose trade could not conveniently be carried on at Tongku," which he (Lindsay) considers unjustifiable.

<sup>32</sup> Lindsay, *op. cit.*, pp. 52, 96.

<sup>33</sup> *Ibid.*, p. 98.

<sup>34</sup> Chin. Rep., June 1840.

<sup>35</sup> *Ibid.* The fleet remained outside the Ladrões, Commodore Bremer going in the *Wellfleet*, 74, to Macao, to confer with Captain Elliot. The main fleet was signalled on the 24th to proceed to the north.—Ouchterlony, "Chinese War," p. 40.

<sup>36</sup> Bernard, "The Nemesis," i, p. 221; Ouchterlony, *op. cit.*, p. 37.

<sup>37</sup> Ouchterlony, *op. cit.*, p. 40; Jocelyn, "Chinese Expedition," p. 69.

§ 7. At about this time<sup>28</sup> appeared what may be considered to have been the usual Chinese declaration of war, in the shape of proclamations, issued under the authority of Commissioner Lin, offering rewards for the capture and destruction of English ships, and the capture or death of English officers and men. For the capture of a ship of war the captors were to receive all her contents, except her armament and any opium on board, and, in addition, a cash bonus of \$20,000 for an eighty-gun ship, with a reduction of \$100 for each gun less; for the destruction of a ship of war, half the above sum. For the capture of a merchant vessel, her contents, except armament and opium, and a cash bonus of \$10,000 for a ship, \$5000 for a barque, and \$3000 for a brig or schooner, \$300 for a large boat, and \$100 for a small boat; one-third of these sums for their destruction. For the capture of a naval commander, \$5000, with a reduction of \$500 for each step down in rank; for killing them, one-third these sums. For English soldiers, sailors, and merchants, \$100 for their capture, and \$40 for killing them; proportionate sums for sepoys and lascars. Rewards of \$100 for the capture of each Chinese traitor.

The feelings of the Chinese became exacerbated as the war went on, and on February 25th, 1841, a proclamation<sup>29</sup> of the governor of Kwangtung offered much greater incitements to deeds of derring do, the money rewards being on the following scale:

	\$
For the capture of a ship of the line . . . .	100,000
For her destruction . . . . .	30,000
For a frigate or sloop, in proportion.	
For the capture of a large steamer . . . . .	50,000
For the capture of a small steamer . . . . .	25,000
For the capture alive of Captain Elliot, Mr. Morrison, or Commodore Bremer, each . . . . .	50,000

<sup>28</sup> The exact date is not known, but the proclamation was published in Chin. Rep., July 1840. Similar proclamations against the French were issued in 1884 by the Canton viceroy, and against the Japanese in 1894 by the governor of Formosa. This governor was a perfect type of the "scholar and gentleman," a representative of the old régime in China which is fast disappearing, and the farthest possible removed from the bloodthirsty tyrant which his utterances made him appear. To the author he remarked: "What could I do? You know the Chinese soldier, and how impossible it is to make him fight, except by special inducements, and, besides, it is our immemorial custom"; and he could see nothing wrong in what he had done. Cf. also chap. xvi, §§ 13, 18.

<sup>29</sup> Chin. Rep., Feb. 1841,



	\$
For their heads, each . . . . .	30,000
For the capture of an English officer . . . . .	10,000
For his head . . . . .	5,000
For the capture of an English soldier or sailor . . . . .	500
For his head . . . . .	300
For the capture of a sepoy or lascar . . . . .	100
For his head . . . . .	50
For those who lost their lives in effecting seizures, a gratuity to their families of . . . . .	300

These proclamations were quite in accordance with Chinese immemorial custom, and instances of similar incitements by the government to the national soldiery are known quite to the end of the nineteenth century. They are of course barbarous and bloodthirsty, out of place on the tongue or from the pen of the officials of a government which asserted its superiority in civilisation to any other nation, and the barbarity is a faithful echo of the feelings of the people to whom the incitements were addressed; but this was a people which did not understand the conventions of modern warfare, which required to be instructed in the use of such elementary symbols as the flag of truce, and which held literally to the maxim that the prime object of war was to kill the enemy; and we must accord to their attitude a greater but similar degree of condemnation to that given to the conduct of the Spanish guerillas in their war of independence against the forces of France, only a generation before.<sup>40</sup> That the Chinese were a cruel and heartless race, we shall have occasion to see;<sup>41</sup> but it is by their deeds and not by their high-flown pronunciamientos that they must be judged, and, on the other side, they must be given credit for their actual attainment and not their pretension to civilisation.

<sup>40</sup> During the wars of the French revolution, Barère proposed to the convention that no English or Hanoverian prisoners be taken.—Taine, "*La Révolution*," iii, pp. 248, 250. During the American war of Secession, "Stonewall" Jackson declared: "I have always thought that we ought to meet the Federal invaders on the outer verge of just right and defence, and raise at once the black flag—'No quarter to the violators of our homes and firesides.'"—"Life of Jackson," by his wife, p. 310. At Fort Pillow, on April 12th, 1864, of the Unionist garrison the coloured troops lost 77 per cent. and the white troops 43 per cent. in killed and wounded, the greater number after they had surrendered and were asking quarter.—Rhodes, *Hist. U.S.*, v, pp. 511-512. Justice to the Chinese, however, requires that comparison should rather be made with the European period of Magdeburg and Drogheda, or even with the Spanish campaigns in the Netherlands in the latter part of the sixteenth century. <sup>41</sup> Cf. *postea*, §§ 10, 32; cf. also, §§ 34, 35.

§ 8. The blockade of the Canton river having been established, the first step to be taken would seem to be to destroy the defences of the river; but the instructions from England<sup>42</sup> prescribed operations in the north, and the two plenipotentiaries, Admiral G. Elliot and Captain C. Elliot, sailed on June 30th in that direction, arriving at Tinghai, on Chusan Island, on July 6th. Tinghai had been summoned by Commodore Bremer on the 4th, and occupied on the 5th, the Chinese being quite unprepared to make any resistance;<sup>43</sup> the Ting<sup>44</sup> committed suicide; the first of a long series of such episodes, which excited mingled admiration, respect, and scorn in the minds of the English. Meantime, an attempt had been made to carry out instructions from England to deliver into official hands, for transmission to the Peking government, a letter from Lord Palmerston on the questions at issue between the two nations. A frigate was sent to Amoy, arriving there on July 2nd, to deliver the letter; a boat was sent on shore under a white flag, on which the Chinese promptly fired as being an enemy; the frigate then opened fire and did some mischief, but no means could be found to deliver the letter.<sup>45</sup> The difficulty throughout this war was that the white flag of truce was a new rule in the game, one which the Chinese had not learned; and even when a high officer had been duly instructed, it was frequently found that some over-zealous subordinate had failed to understand the application of the new rule, and did not play up. The indignation of the English at these acts of treachery was as great as that of the Chinese at the treacherous conduct of the English in attacking batteries from the flank instead of on their armed front. On July 10th a similar attempt was made at Ningpo; here the white flag was

<sup>42</sup> "To this (the taking of the Bogue forts), however, the opinions from England were averse. . . . This attack was therefore put off for the arrival of the commander-in-chief."—Jocelyn, "Chinese Expedition," p. 42. Lord Jocelyn was military secretary to the mission. Cf also *postea*, § 16.

<sup>43</sup> Ouchterlony, *op. cit.*, p. 42; Jocelyn, *op. cit.*, p. 49. For detailed accounts of the military operations of this war, which are beyond the scope of this history, the reader is referred to Ouchterlony, Jocelyn, Bernard, Belcher, and other contemporary writers.

<sup>44</sup> The Civil Magistrate; Jocelyn, *op. cit.*, p. 58.

<sup>45</sup> Ouchterlony, *op. cit.*, p. 51; Jocelyn, *op. cit.*, p. 70. The two plenipotentiaries were instructed to distribute handbills, as they went along the coast, reassuring the people of the intentions of the English.—Lord Palmerston to the two plenipotentiaries, March 4th, 1840, in Public Record Office.

respected, and the bearers of the letter courteously treated, but, though a copy was taken, the letter was refused.<sup>46</sup> Having established a blockade of Ningpo and the mouth of the Yangtze, the plenipotentiaries sailed on July 28th for the mouth of the Peiho. Here, on August 15th, the letter was received by a military officer of the rank of showpeh on behalf of Kishen, member of the council and viceroy of Chihli, who had been commissioned to negotiate with the English plenipotentiaries.<sup>47</sup> The letter had to be referred to Peking, and the ships went for a cruise. The distribution and occupation of the ships during the month following was as follows: five ships (180 guns) and one steamer in the Gulf of Pechihli; one ship (74 guns) stranded and hove down at Tinghai; two ships (38 guns) blockading the entrance to the Yangtze; two ships (46 guns) blockading Ningpo; one ship (74 guns) blockading Amoy; four ships (102 guns) and one steamer blockading the Canton river.<sup>48</sup>

§ 9. The ships returned to the mouth of the Peiho on the appointed date, August 27th, and, as there appeared to be no communication from the shore,<sup>49</sup> preparations were made to force the passage of the Taku forts. A letter was, however, received from Kishen, explaining that communications had been sent out on the 24th and 25th, when no ships were there; pleading his rank and his special position as viceroy of the province as his reason for not going afloat to call on the senior plenipotentiary, Admiral Elliot,<sup>50</sup> and suggesting that the second plenipotentiary, Captain Elliot, should come on shore for a personal interview.<sup>51</sup> The suggestion was accepted, and the interview was held on August 30th; Captain Elliot was received with due honour, but the discussion was long and animated.<sup>52</sup>

<sup>46</sup> Ouchterlony, *op. cit.*, p. 31; Jocelyn, *op. cit.*, p. 72.

<sup>47</sup> Ouchterlony, *op. cit.*, p. 58; Jocelyn, *op. cit.*, p. 102.

<sup>48</sup> Chin. Rep., Oct. 1840.

<sup>49</sup> It should be explained that the western side of the Gulf of Pechihli is shallow, and that ships of deep draught must lie some five or six miles from the Taku forts at the mouth of the Peiho; and that from the ships the low-lying shore is quite invisible.

<sup>50</sup> The excuse seems to have been unnecessary; the rule of Chinese etiquette is that, between officials of equal rank and standing, the visitor calls first on the resident; and the same rule holds in Western diplomatic circles. But cf. appendix A.

<sup>51</sup> Ouchterlony, *op. cit.*, p. 61; Jocelyn, *op. cit.*, p. 108.

<sup>52</sup> "After a conference of six hours, during which period the loud voices of the plenipotentiaries in high argument had often struck upon our ears,"—Jocelyn, *op. cit.*, p. 115.

Further reference to Peking became necessary, and, after another cruise, the ships again returned to the Peiho on September 12th. It was then arranged that negotiations should be taken up at Canton, the scene of all the trouble to be settled, where, too, the truth of the facts in dispute could be best ascertained. The English plenipotentiaries, having first informed the Chinese that no further aggressive movement would be made except under provocation, left the Peiho on September 15th and returned to Chusan, arriving at Tinghai on September 28th.<sup>53</sup>

§ 10. Two matters claimed the immediate attention of the English plenipotentiaries, the health of troops occupying Tinghai, and an act of barbarity committed by the Chinese. Tinghai had been found very unhealthy, and in the period from July 13th to December 31st, in a force not exceeding 4000, the admission to hospital were 5329 and the deaths 448; one-half of the admissions were for intermittent fever, and two-thirds of the deaths from diarrhoea and dysentery.<sup>54</sup> In November a number of the sick were sent to Manila, but the Spanish authorities refused permission to land them, and they were taken to Hongkong,<sup>55</sup> where the convalescents were available for the attack on the Chuenpi batteries on January 7th.

The seizure by the Chinese of their own countrymen, purveying for the troops at Tinghai, had been begun in August; and on September 16th Captain P. Anstruther of the Madras artillery was captured and taken to Ningpo. Here he was loaded with leg-irons of 18 lb. weight, and forced into a cage, the dimensions of which, outside the wooden bars, were 3½ ft. in length, 3 ft. in height, and 2 ft. in width. On the 22nd, Lieutenant Douglas, R.N., commanding the armed brig *Kite*, which had been wrecked, was brought in, also ironed and in a similar cage; and the next day several other survivors from the *Kite*, including Mrs. Noble, wife of the sailing-master, were brought in. These, including Mrs. Noble, were all ironed and confined in cages of the same kind and dimensions as that of Captain Anstruther. Of Mrs. Noble it is recorded that on one occasion she was kept in this restricted cage for thirty-six hours consecutively, and on several occasions was, with her fellow prisoners, exposed in the cage in the market-place of towns

<sup>53</sup> Ouchterlony, op. cit., p. 66; Jocelyn, op. cit., pp. 116, 121.

<sup>54</sup> Ouchterlony, op. cit., p. 54.

<sup>55</sup> Ibid., p. 72.

through which they passed, and subjected to the jeers and hooting of the populace.<sup>56</sup> Early in October Captain Elliot went to Chinhai to obtain the release of the prisoners; and, though he did not succeed in this, he secured the promise of fair treatment.<sup>57</sup> They were kept as prisoners through the winter, and were ultimately released in February and brought south by the troops evacuating Tinghai at the beginning of March.<sup>58</sup> From documents found on the capture of Ningpo it was learned that, a short time after their release, orders were received from Peking to execute the officers among them.<sup>59</sup>

§ 11. On November 6th it was notified at Chusan that an armistice covering the province of Chekiang had been agreed upon, several communications indicating peaceful intentions having been received from Ilipu, the Nanking viceroy, who had been appointed High Commissioner for the affairs of Chekiang, and was then at Ningpo; by this agreement the English retained possession of Chusan and some outlying islands, and were to abstain from operations outside these limits.<sup>60</sup> The English plenipotentiaries left Chusan on November 15th, and arrived at Macao on the 20th. They had consented to carry despatches from Ilipu for transmission to Kishen, who had been appointed Imperial commissioner for Kwangtung affairs;<sup>61</sup> and on the 21st the letters were sent to the Bogue by the steamer *Queen*. The steamer and her boat, both flying the white flag, were fired upon from the Bogue forts. The despatches were then sent through the Chinese officials at Macao to Kishen, who at once wrote expressing his regret, and stating that he had issued instructions regarding the use of the white flag.<sup>62</sup>

§ 12. On November 26th Admiral Elliot informed the British merchants, who had addressed him on the subject, that, while the armistice applied only to the province of Chekiang, he had the hope that matters would soon be settled with the

<sup>56</sup> Ouchterlony, *op. cit.*, p. 70; Chin. Rep., Sept. 1841.

<sup>57</sup> Ouchterlony, *op. cit.*, p. 72.

<sup>58</sup> *Ibid.*, p. 126.

<sup>59</sup> *Ibid.*, p. 126; Davis, "China during the War," i, pp. 16, 62, 72.

<sup>60</sup> *Ibid.*, p. 86; Jocelyn, *op. cit.*, p. 155; Admiral Elliot's notification in Chin. Rep., Nov. 1840. The suspension of hostilities was the function of the admiral alone.—Appendix B.

<sup>61</sup> Lin, having succeeded Teng as viceroy in February, had then ceased to be High Commissioner. Cf. *antea*, § 4.

<sup>62</sup> Ouchterlony, *op. cit.*, p. 83; Bernard, "The Nemesis," i, p. 243; Chin. Rep., Nov. and Dec. 1840.

Chinese. Three days later, on the 29th, a notification signed by Charles Elliot, "H.M.'s Plenipotentiary in China," informed the British community that "the Honourable George Elliot, Rear-Admiral of the Blue, has resigned the command of the fleet into the hands of Commodore Sir Gordon Bremer, sudden and severe illness having incapacitated him from its duties."<sup>63</sup> This also, though nothing but the signature shows it, left Captain Elliot sole plenipotentiary. Some writers have suggested that this illness was one of convenience, and that irreconcilable differences of opinion between the colleagues were the real cause leading to Admiral Elliot's retirement. It seems difficult to understand why, in such an event, the senior of two plenipotentiaries should withdraw in favour of his junior; and, in fact, the contemporary writers who were on the spot refer invariably to the admiral's "sudden and severe illness," and make no other suggestion.<sup>64</sup> It may further be remarked that the illness appears to have been so severe that he could not himself notify that he had handed over his naval command. Much fault was afterwards found with Captain Elliot for the results of the peace-seeking policy pursued during the year 1840, and the suggestion that this policy was not approved by the chief of the mission was thrown out as a later thought.

§ 13. Lin Tse-sü's policy had been to crush the English; to announce his requirements, and coerce them into acquiescence. Kishen had shown the impolicy of this course, and had represented that, while the aggressive acts of the English must be checked by force, the demands to be made upon them must be supported by negotiations; he had further represented the impolicy of violent measures for the suppression of the opium traffic. He was sent south as High Commissioner to adopt a policy of conciliation—provided, of course, that policy could secure all that China wanted from the rebellious barbarian—and, at the same time, to weary his opponents by procrastination, and so to bring them to accept terms which would have been rejected at the outset.<sup>65</sup> With this object he was engaged in

<sup>63</sup> Ouchterlony, *op. cit.*, p. 90; Bernard, *op. cit.*, i, p. 229; Belcher, "Voyage round the World," ii, p. 138; Chin. Rep., Nov. 1840.

<sup>64</sup> "Admiral Elliot was obliged to come away from ill-health."—Queen Victoria to the King of the Belgians, April 13th, 1841, "Letters of Queen Victoria," i, p. 261.

<sup>65</sup> Davis, *op. cit.*, i, p. 26.

negotiations through December; but at Canton he had not only his English opponent to deal with, but also the war party among the Chinese, among them the irreconcilable Lin, viceroy of the province, whose policy Kishen had come to overturn. This party found a ready acceptance for their views at Peking, where the effect of the English display of force off the Peiho was soon dissipated; and, whatever the intentions with which Kishen came to Canton, he found himself driven to demonstrate to his own government that his conciliatory policy was only meant to blind the eyes of the English, and to induce them by diplomacy to concede what could otherwise be wrung from them only by force. In a memorial to the throne he goes so far as to inform the emperor that he hopes by "admonition" to persuade them even to accept the principle of the bond,<sup>66</sup> which had been steadily rejected. Captain Elliot, on his side, though during the twelve months last past he had shown himself consistently inclined to measures which might lead to a peaceful solution, had still never wavered in his adherence to his irreducible minimum, and further knocks were necessary before the door of peace was to be opened. Negotiations were broken off on the point of the cession of Hongkong: Captain Elliot had had too bitter an experience not to insist on a base for British operations, while Kishen knew that the cession of national territory would never be forgiven by the emperor. Preparations for the struggle were made on both sides;<sup>67</sup> and on January 7th, 1841, the batteries at Chuenpi and Taikoktow, outside and on each side of the Bogue, were attacked by the British forces, silenced, and occupied.<sup>68</sup> The next day, as the forces were preparing to advance to attack the Bogue forts, at Anunghoi, an armistice was agreed upon, and negotiations were resumed.

<sup>66</sup> Chin. Rep., Dec. 1840.

<sup>67</sup> Davis (op. cit., i, p. 34) refers to "the provoking discovery, on the 6th January 1841, of an edict consigning to destruction all British ships and subjects, wherever they might be found"; and implies that the action of the 7th was the result of the discovery. Belcher, who was present with his ship, states (op. cit., ii, p. 140) that preparations were made from Dec. 23rd; Bernard, writing from the notes of Hall, who was present, describes (op. cit., i, p. 236) the preparations made on each side; Ouchterlony says (op. cit., p. 94): "More than once the signal was hoisted for the fleet to prepare for immediate service, but was invariably countermanded on the appearance of some boat bearing the white flag issuing from the Bogue."

<sup>68</sup> Notification in Chin. Rep., Dec. 1840. The Chuenpi batteries were armed with 72 guns, and those at Taikoktow with 26.

§ 14. On January 20th Captain Elliot issued a notification in the following terms:

"Her Majesty's plenipotentiary has now to announce the conclusion of preliminary arrangements between the Imperial commissioner and himself involving the following conditions:

"1°. The cession of the island and harbour of Hongkong to the British crown. All just charges and duties to the empire upon the commerce carried on there to be paid as if the trade were conducted at Whampoa.

"2°. An indemnity to the British government of six millions of dollars, one million payable at once, and the remainder in equal annual instalments ending in 1846.

"3°. Direct official intercourse between the countries upon equal footing.

"4°. The trade of the port of Canton to be opened within ten days after the Chinese new-year,<sup>66</sup> and to be carried on at Whampoa till further arrangements are practicable at the new settlement."

The notification then made the first public utterance of the principle which has been an essential part of the English policy in China from that day to this:

"The plenipotentiary seizes the earliest occasion to declare that her Majesty's government has sought for no privilege in China exclusively for the advantage of British ships and merchants, and he is only performing his duty in offering the protection of the British flag to the subjects, citizens, and ships of foreign powers that may resort to her Majesty's possession. Pending her Majesty's further pleasure, there will be no port or other charges to the British government."<sup>67</sup>

§ 15. The treaty to be based on this preliminary arrangement could have covered no more ground than is laid down in the conditions given, and the action of the English plenipotentiary was promptly disavowed by his government. Lord Palmerston informed the queen that—

"Captain Elliot seems to have wholly disregarded the instructions which had been sent to him, and even when, by the entire success of the operations of the fleet, he was in a condition to dictate his own terms, he seems to have agreed to very inadequate conditions. The amount of compensation for the opium surrendered falls short of the value of that opium, and nothing has been obtained for the expenses of the expedition, nor for the debts of the bankrupt Hong merchants. The securities which the plenipotentiaries were expressly ordered to obtain for British residents in China have been abandoned; and the island of Chusan which they were specifically informed was to be retained till the whole of the pecu-

<sup>66</sup> Jan. 23rd, 1841, was the first day of the next Chinese year.

<sup>67</sup> Chin. Rep., Jan. 1841. Cf. appendix B.



niary compensation should have been paid, has been hastily and discredibly evacuated. Even the cession of Hongkong has been coupled with a condition about the payment of duties, which would render that island not a possession of the British crown, but, like Macao, a settlement held by sufferance in the territory of the crown of China."<sup>71</sup>

The Queen wrote to the King of the Belgians: "The Chinese business vexes us much, and Palmerston is deeply mortified at it. All we wanted might have been got, if it had not been for the unaccountably strange conduct of Charles Elliot . . . who completely disobeyed his instructions and *tried* to get the *lowest* terms he could."<sup>72</sup> At a cabinet meeting, held on April 30th, it was decided that the government could not sanction any treaty based on the preliminary agreement; that it would be necessary to demand a "larger amount of indemnity for the past injury," and greater security for trade in future; that Chusan must be reoccupied; that Captain Elliot must be recalled; and that Sir Henry Pottinger should be sent out.<sup>73</sup> Strong language this; but at so great a distance English policy still remained under Captain Elliot's control until the following August.

§ 16. Captain Elliot's conduct had indeed been "unaccountably strange." On November 19th, 1837, he had addressed to Lord Palmerston a memorandum<sup>74</sup> in which he advised the despatch of a special commissioner, accompanied by an armed force, who should establish himself at Chusan, or some more northerly point, and not at Canton, before opening negotiations. No action was taken at the time; but after the crisis of 1839 had fully developed—after the detention of the foreigners, the delivery of the opium, the stoppage of trade, the affair of Lin Wei-hi, the expulsion from Macao, and the state of semi-hostilities of September were known in London—the British government definitely adopted a policy, which is clearly laid down in the instructions to the two plenipotentiaries of February 20th, 1840. By these, they were first

<sup>71</sup> Lord Palmerston to Queen Victoria, April 10th, 1841, "Letters of Queen Victoria," i, p. 260. For the instructions to the two Elliots, cf. appendices A, B.

<sup>72</sup> Queen Victoria to the King of the Belgians, April 13th, 1841, "Letters," i, p. 261.

<sup>73</sup> Lord Melbourne to Queen Victoria, May 3rd, 1841, "Letters," i, p. 265.

<sup>74</sup> Corr. rel. China, 1840, p. 2. Cf. chap. viii, § 25.

to demand satisfaction for the illegal detention, irrespective of innocence or guilt, of the superintendent and British subjects at Canton, and for the threat to compel by starvation the surrender of opium not actually in their hands or within the power of the Chinese authorities; and, as the means to this, they were to demand the return of the opium surrendered, or, if that had been destroyed, the payment of its value. Then they were to demand satisfaction for the affront offered to the crown of England by the indignities heaped upon its representative, and more respectful treatment of him in the future. In the third place they were to demand security that British merchants should not be subjected again to violence and injustice while engaged in their lawful pursuits of commerce; and, to remove them from the operation of caprice, one or more islands were to be ceded. In the fourth place, the debts of the Hong merchants, due, as they were, to the monopoly which they enjoyed, were to be made good, and the monopoly was to be abolished. Further, it was resolved to send out a sufficient force, and, in order to impress the Chinese government with the importance attached to this matter, a blockade was to be established at once off the principal ports; and it was to be demanded that the expense of this expedition should be repaid by China.<sup>75</sup> The answer of the Chinese government was to be demanded off the mouth of the Peiho, but negotiations might be afterwards carried on at any place, within the discretion of the plenipotentiaries; and, Chusan having been occupied at the outset, it was to be retained until after payment of the whole of the indemnity which might have been demanded and agreed to. Three months later, as if with prescience of what was to come, Lord Palmerston instructed the two plenipotentiaries that, if, before Admiral Elliot's arrival, Captain Elliot should have agreed to a convention by which less in any respect than the demands prescribed in her general instructions should have been obtained, the convention was at once to be disavowed, and Captain Elliot was to inform the Chinese officials that he had exceeded his authority.<sup>76</sup>

<sup>75</sup> Cf. appendix A.

<sup>76</sup> Cf. appendix D. Lord Palmerston's despatch of Feb. 3rd, 1841 (appendix F) explicitly instructed Captain Elliot that none of the demands of the British government were to be abated; this would be received too late to affect the superintendent's action.

§ 17. Captain Elliot's opinions in January may be judged from those he held in June following. Lord Auckland, governor-general of India, had written to him on May 10th expressing his approval of his action in concluding the armistice of March 20th;<sup>77</sup> and, in his reply of June 21st,<sup>78</sup> expressing his gratification at this approval, Captain Elliot took the opportunity to point out that, by this action, and by the consequent reopening of trade, he had released 20,000 tons of shipping which had been locked up, and had made possible the shipment of 30,000,000 pounds of tea, the duties on which would bring £3,000,000 into the English exchequer; and further, that the maintenance of trade at Canton would create an interest making for peace, and tending to neutralise the hostilities elsewhere. In answer to Lord Auckland's criticism that wisdom dictated, and his instructions enjoined, negotiations farther north, he replied that he fully agreed, and was making preparations to proceed north again; but that it was also wise to demonstrate at Canton the power of British arms. He then proceeded to comment on the draft treaty, which formed part of his instructions, and of which Lord Auckland was furnished with a copy. He had not included the value of opium, since he was reluctant to assume the responsibility of settling the amount, and must leave it to the Indian government; for the expenses of the expedition he thought it better to fix a round sum, since otherwise the expedition would have to be kept in Chinese waters until the accounts were made up; and as to the Hong debts he was of opinion that they ought not to be pressed, or immediate payment insisted on, but should be left to the voluntary settlement which had been already agreed upon.<sup>79</sup> He also objected to the opening of more ports, which would only mean the placing of a larger number of hostages at a greater number of places in the hands of an irritated government; the better plan would be to retain Hongkong, which had been shown to be a necessity, and to concentrate British interests there. In general he was of opinion that no treaty was needed, and that none should be made, until the Chinese themselves came to seek one—except only a short convention of two clauses:

<sup>77</sup> Cf. *postea*, § 22.

<sup>78</sup> Capt. Elliot to Lord Auckland, June 21st, 1841, appendix I.

<sup>79</sup> Cf. chap. vii, § 25.

the one ceding Hongkong, the other "granting equal privileges, commercial or otherwise, with any hereafter to be granted to any power." This was before he learned of his recall. On his return to England he addressed to Lord Aberdeen a despatch,<sup>80</sup> in which he makes the perfectly justifiable boast that—

"Between the 24th of March, 1839, when I was made a prisoner at Canton by the Chinese government, and the 18th of August, 1841, when I was removed by my own, we have turned a trade amounting to upwards of ten millions sterling, despatched more than fifty thousand tons of British shipping, sent to England as much produce as would pour into H.M. Treasury upwards of eight millions sterling, recovered from the Chinese treasury about 150 tons of hard silver, warded off from H.M. government pressing appeals from foreign governments at particularly uneasy moments and on very delicate subjects, triumphantly manifested the prowess of the Queen's arms, and still more signally and with more enduring advantage established the character and extent of British magnanimity."

He pointed out that he was unable, from extreme press of work, to explain to the government his motives in making the convention until the lapse of eight weeks [actually 38 days—January 7th to February 14th], and that it was in this interval that the decision to recall him was taken.

§ 18. It may be admitted that the "hasty and discreditable evacuation"<sup>81</sup> of Chusan was necessary: the troops were dying there by hundreds and entering hospital by thousands,<sup>82</sup> out of a force which at the outset numbered only four thousand. Otherwise it must be conceded that, as to opening the new ports, fixing the amount of compensation for the destruction of the opium and the cost of the expedition before removing the naval pressure, insisting on payment of the Hong debts, expressly demanding the abolition of the Hong monopoly, stipulating for the appointment of consuls, and providing for the future treatment of British officials and the future security of British merchants—in insisting that these should all be expressly provided for in the treaty, Lord Palmerston was right and Captain Elliot was wrong. We may go further. Even after both of Lord Palmerston's two options<sup>83</sup> had been incorporated in treaties, by which it was thought that the future must be duly safeguarded—even then the experience of fourteen years (1842–1856) demonstrated to the satisfaction of one at least of the parties to the earlier settlement, that still another war and

<sup>80</sup> Cited in "Autobiography of Henry Taylor," i, pp. 368 seq.

<sup>81</sup> Cf. *antea*, § 15.

<sup>82</sup> Cf. *antea*, § 10.

<sup>83</sup> Cf. *chap. xi*, § 2.

another treaty were required before the questions at issue could be considered settled; and an incomplete settlement, like that of Captain Elliot, could only lead to trouble in the immediate future. But we have not to consider the relative merits of Lord Palmerston's instructions and Captain Elliot's action under them. Lord Palmerston spoke in the name of his queen and of the government of which he was a member; the plenipotentiary can be given his "full powers" to act for and to commit his government only on condition of conforming to the instructions given him by that government, subject, however, in those days, to the exercise of his own judgment if the circumstances should change; and Captain Elliot did not follow his instructions. For six years the superintendents were left without instructions; for over three years Captain Elliot had faced situations of great difficulty and of much delicacy, not only without power to deal with them, but often under express prohibition; and on many occasions—on every occasion when any good had been accomplished—he had assumed the responsibility of acting without orders, and had even at times acted contrary to his orders. In so acting he had deserved well of his country; but, when at last he received explicit instructions, indicating an adequate grasp of the situation and providing for every contingency, he committed the error of not seeing that his position was changed, and that, as the agent of his government, his one duty was to sink his own opinions and to act in exact conformity to his instructions. His successor followed step by step the procedure indicated by Captain Elliot,<sup>84</sup> and embodied in the treaty he signed but little more than was included in the draft treaty forming part of his (and of the Elliots') instructions, with the result that it was felt that "very great confidence may be placed in him";<sup>85</sup> and he was informed that "Her Majesty highly appreciates the ability and zeal which you have displayed."<sup>86</sup> Captain Elliot, after three years of acting on his own initiative, continued to think for himself when it was no longer permissible, and he, who should have had the honour of signing the treaty of Nanking, was recalled.<sup>87</sup>

<sup>84</sup> Cf. appendix I.

<sup>85</sup> Queen Victoria to Sir R. Peel, Dec. 26th, 1842, "Letters," i, p. 446.

<sup>86</sup> Cf. appendix O.

<sup>87</sup> Rear-Admiral Sir Charles Elliot, born 1801, died 1875. In 1828 retired on half-pay, being promoted to captain. In 1834 was master attendant under

§ 19. At the time of the convention it was also agreed that the Chuenpi batteries should be restored, and Chusan evacuated; and, on the other side, the prisoners held by the Chinese were surrendered. They included the Rev. Vincent Staunton (who had been seized on August 6th, while bathing in the sea near Macao, and whose release had been persistently refused),<sup>88</sup> Captain Anstruther, Mrs. Noble, and the other refugees from the wrecked brig *Kite*.<sup>89</sup> Kishen proceeded to carry out the terms of the convention, and, by virtue of a proclamation of January 23rd, under his seal as High Commissioner, Hongkong was formally occupied on the 26th, the order to evacuate Chusan having been sent off on the 23rd.<sup>90</sup> On the 29th, Captain Elliot issued a proclamation providing for the government of Hongkong, declaring that Chinese resorting there "shall be governed according to the laws and customs of China, every description of torture excepted," and that British subjects and foreigners should enjoy the protection of British law; and a further proclamation of February 1st declared the Chinese residents of Hongkong to be subjects of the British crown.<sup>91</sup> This was all that was done under the convention. The trade was to have been entirely reopened by February 1st, but no steps were taken to open it, for the Chinese were as dissatisfied as the English with the convention. If on one side it was held that too little had been obtained, on the other the feeling was no less strong that too much had been given. The Chinese had undertaken to give some money, which would be paid by the foreign trade; they had granted equality, which humbled them; they had consented to reopen the trade without providing for the suppression of the illegal traffic in opium; and they had ceded national territory. These concessions supplied the war party with arguments, and it at once regained the upper hand. Even before this, however, the Emperor had left the path of

Lord Napier. In 1836-1840 was chief superintendent of British trade in China; 1840-1841 joint (latterly sole) plenipotentiary and superintendent of trade in China. In 1842-1846 was consul-general (and chargé d'affaires) to the republic of Texas; in 1846-1854 was governor of Bermuda; in 1854-1856 governor and commander-in-chief of Trinidad. On retirement from the last post was made a K.C.B. In 1863-1869 was governor of St. Helena. He was promoted to flag rank in ordinary course.

<sup>88</sup> Ouchterlony, op. cit., p. 77; Chin. Rep., Aug. 1840.

<sup>89</sup> Cf. ante, § 10.

<sup>90</sup> Chin. Rep., Jan. 1841.

<sup>91</sup> Ibid. Cf. appendix B.

peace. On September 17th, under the influence of the expedition to the north, an Imperial edict had given the word for negotiation, and appointed Kishen negotiator; but on January 6th another edict, having special concern with Chekiang, but referring also to Kwangtung, ordered that "future petitions from the foreigners should be utterly rejected" (i.e. that negotiations should be broken off) and that hostilities were to be resumed everywhere along the coast.<sup>92</sup> On the capture of the Chuenpi batteries Kishen reported the reverse to his arms, and stated that, as a means of preserving order in the wealthy and turbulent city of Canton, he had "devised a scheme for temporising, and pretended to promise what was requested." Translated from the language of an oriental minister to his sovereign, this means that he had been driven to his knees and compelled to make terms, but wished to gild the pill for his master to swallow; his prompt delivery of Hongkong disproves any other interpretation. The Emperor, however, would have no half-measures; and his edict of January 30th, received at Canton on February 11th, announced that he "invested Yishan with the office of pacificator-general of the rebellion and appointed Lungwen and Yang Fang assistant commissioners, ordering them to repair to Canton to co-operate in the work of extermination; also "We have ordered reinforcements of two thousand soldiers from each of the provinces of Hupeh, Szechwan, and Kweichow to proceed thither in haste. On their arrival it will not be difficult to marshal our array and quickly carry out the work of attack and extermination."<sup>93</sup>

§ 20. It is the ancient custom of the Chinese emperors to punish no less promptly and certainly than they reward; and a minister or commander who does not at once succeed, or who fails to carry out his promises, or even his boasts, is degraded and otherwise punished more or less severely. When, by Lord Napier's command, the English frigates forced the passage of the Bogue, Viceroy Lu was deprived of office, rank, and titles, and, thus humiliated, was ordered to continue to perform the duties of his post.<sup>94</sup> Hsü Nai-tsi memorialised, urging that the

<sup>92</sup> *Chin. Rep.*, Feb. 1841.

<sup>93</sup> *Ibid.* Yishan was a nephew of the emperor; Lungwen a Mongol, president of a ministry; Yang Fang was an old man, over seventy, who had gained some success over the aboriginal tribes of Hunan.

<sup>94</sup> *Cf. chap. vi, § 27.*

opium trade should be legalised and brought under control; and, when other views prevailed in the Imperial council, he was dismissed from office, after having first been degraded (from probably the first, or certainly the second rank) to the sixth rank.<sup>95</sup> Viceroy Teng, for his many sins of omission and commission, was, about July 1841, sentenced to transportation to Ili.<sup>96</sup> Lin Tse-sü undertook to suppress the opium traffic by a policy of fire and the sword; his course entailed disaster to the empire and brought a hostile fleet within reach of the capital; and he was deprived of office, degraded from his rank, and, in July 1841, sentenced to transportation to Ili, the sentence being carried into effect in April 1842.<sup>97</sup> Now came the turn of those entrusted with the task of carrying out the temporary pacific intentions of the emperor. Ilipu, who showed some ability in restoring peace to his charge of Chekiang, was degraded and deprived of his office of Nanking viceroy, and sentenced to transportation to Ili;<sup>98</sup> in April 1842 he was restored to rank and appointed to the lower post of lieutenant-general at Chapu, at the time of its capture; and in August 1842 he was one of the negotiators of the treaty of Nanking, and died, in the spring following, High Commissioner for Canton affairs. On Kishen fell the brunt of the emperor's displeasure; he had risen high, and great was his fall. He was now degraded,<sup>99</sup> his property was confiscated,<sup>100</sup> and he was

<sup>95</sup> Chin. Rep., Dec. 1838.

<sup>96</sup> Ibid., July 1841.

<sup>97</sup> Ibid., July 1841; *ibid.*, May 1842. He was restored to rank in Jan. 1846. —Chin. Rep., Jan. 1846. Cf. chap. xvi, § 6. "It may be remarked that, throughout the war and subsequent pacification, the implacable hostility, the obstinate persistence, and unwillingness to yield a single point, were, with only a few exceptions, displayed by the mandarins of Chinese extraction; while the moderate advice, and ultimately the peace itself, were the work of Manchu Tartars. Lin the Chinese, and Kishen the Tartar, were the types of their respective parties."—Davis, "China during the War," i, p. 32.

"Keih [Koerhangah] was a Manchu, and, as far as my experience goes, the Tartar mandarins have been better affected towards the representatives of foreign nations than have the native Chinese."—Bowring, "Autobiogr. Recollections," p. 227. [Writing of 1856.]

<sup>98</sup> Imperial edict in Chin. Rep., Nov. 1841.

<sup>99</sup> He left Canton in chains on March 12th.—Chin. Rep., March 1841; Davis, *op. cit.*, i, p. 40.

<sup>100</sup> According to the official report, the amount of his property actually turned into the treasury was 2,561,217 mow (over 425,000 acres) of land, 10,912 taels' weight of gold, 18,058,820 taels of silver, eleven boxes of jewels, besides houses, shares in ninety banks and pawnbrokers' shops; etc. The value of these savings of a minister of state cannot have fallen much short of £10,000,000.—Davis, *op. cit.*, i, p. 41; R. M. Martin, "China: Political, etc.," i, p. 138, ii, p. 69.



ordered to Peking and charged on thirteen counts, of which the really vital points were the resumption of negotiations after the capture of the Chuenpi batteries, the cession of Hongkong, and the grant of the privilege of trading. He was tried by the council of state and condemned to death.<sup>101</sup> Later in the same year he was sent to try again his power of soothing the barbarian, but was treated by English and Chinese alike with contempt and neglect; and in May 1842 his punishment was commuted to transportation to the Amur.<sup>102</sup> The terms of the treaty of Nanking were his real justification, and after the peace he was brought back to official life.<sup>103</sup> Foreign judges of the action of a Chinese minister must always bear in mind the application in China of the doctrine of responsibility, and the fate of one who fails of success, or who even fails to forecast intelligently the changing opinions of his master.

§ 21. The emperor's change of plans was eagerly anticipated by the war party at Canton, and preparations for a renewal of hostilities were made secretly; but the activity was so great as to be fully observable by the English, and they, too, prepared for action. Captain Elliot made several attempts to obtain peaceful assurances from the Chinese authorities, but he was finally driven to draw the sword;<sup>104</sup> and on February 20th Commodore Bremer moved his ships up to the Bogue. Active hostilities were resumed on the 23rd, when the Chinese were stopped in their work of obstructing a channel at the back of Anunghoi.<sup>105</sup> The Chinese riposte came on the 25th in the shape of the governor's proclamation offering rewards for Englishmen, alive or dead.<sup>106</sup> On February 26th Captain Elliot notified that "the batteries of the Boca Tigris have this day fallen to her Majesty's forces. Several hundred prisoners have been captured, the enemy is in flight in all directions, and

<sup>101</sup> Chin. Rep., Oct. 1841.

<sup>102</sup> Ibid., May 1842. The true burden of the sentence of transportation is that the ordinary comforts of life can be bought for the condemned criminal only at prices such as were charged by the Comte de Monte Christo's banditti. When the criminal's property has been confiscated as well, the hardship becomes intense.

<sup>103</sup> Davis, *op. cit.*, i, p. 52.

<sup>104</sup> Notification at Macao, Feb. 19th, in Chin. Rep., Feb. 1841.

<sup>105</sup> Eighty guns were rendered unserviceable, and some military stores destroyed.—Notification of Feb. 24th, in Chin. Rep., Feb. 1841; Bernard, "The Nemesis," i, p. 327; Ouchterlony, "Chinese War," p. 110.

<sup>106</sup> Cf. *antea*, § 7.

no loss reported up to this hour on our side.”<sup>107</sup> On the same day, Commodore Bremer notified that merchant ships were “permitted to repair to the Bogue, and will be allowed to proceed higher, as soon as it is ascertained that the river is clear of all obstructions.”<sup>108</sup> The ships of war advanced at once, and on the 27th a battery below Whampoa was destroyed, the ship *Cambridge* blown up, and a flotilla of forty war-junks dispersed.<sup>109</sup> On March 2nd the light-draft ships reached Canton.<sup>110</sup>

§ 22. Of the new triumvirate of High Commissioners, Yang Fang was the only one who had yet reached Canton; and, under pressure from the gentry and people of the city, he authorised the Kwangchow-fu and the senior Hong merchant, on March 3rd, to visit the British plenipotentiary under flag of truce, and propose the reopening of negotiations; and for this purpose an armistice of three days was granted.<sup>111</sup> Nothing resulted from the negotiations except a proposal to refer back to Peking the questions which had been referred from Peking for settlement at Canton;<sup>112</sup> and on March 6th General Sir Hugh Gough<sup>113</sup> occupied one of the forts guarding the city. Upon this, Captain Elliot issued a proclamation warning the Chinese officials that further acts of hostility might entail “terrible injury” to the city, and that the trade must be stopped if the merchants were prevented from buying and selling freely.<sup>114</sup> The Chinese interpreted this to mean that the English embargo on trade was removed, and began to issue permits to ships of all nationalities; but on the 10th Captain Elliot reminded them that Canton was still in the military occupation of the British forces.<sup>115</sup> During these days ex-

<sup>107</sup> Chin. Rep., Feb. 1841; Bernard, op. cit., i, p. 334; Belcher, “Voyage,” ii, p. 151; Ouchterlony, op. cit., p. 113. The guns taken numbered 380; Chinese killed and wounded, 500 (including Admiral Kwan killed); English loss, none.

<sup>108</sup> Chin. Rep., Feb. 1841.

<sup>109</sup> The battery carried fifty guns.—Chin. Rep., Feb. 1841; Bernard, Belcher, Ouchterlony, ubi sup. The *Cambridge* had been transferred to the American flag (cf. chap. ix, § 28) and renamed *Chesapeake*; on the establishment of the blockade she was bought by the Chinese.

<sup>110</sup> Chin. Rep., March 1841.

<sup>111</sup> Chin. Rep., March 1841; Davis, “China during the War,” i, p. 105.

<sup>112</sup> Davis, loc. cit. The invariable Chinese shrinking from the assumption of responsibility.

<sup>113</sup> He had arrived on March 2nd to take command of the land forces.

<sup>114</sup> Chin. Rep., March 1841; Davis, op. cit., i, p. 106.

<sup>115</sup> Chin. Rep., March 1841.

peditions were sent to take and destroy forts in the vicinity; and, a flag of truce having been fired on by the Chinese on March 16th, ships were moved up and the factories occupied by the English on the 18th. On the 20th Captain Elliot and the High Commissioner Yang Fang agreed to a suspension of hostilities, and the trade of the port was reopened,<sup>116</sup> the duties to be collected for the Chinese government being the same as formerly.<sup>117</sup>

§ 23. Elsewhere than at Canton the air was filled with warlike words; and the execution of Captain Stead, who had arrived at Chusan in his ship, a transport, after the evacuation, and had been taken prisoner, showed that the hostile feelings of the nation were unabated.<sup>118</sup> At Canton the trade was resumed, and ships were rapidly discharged, and as rapidly loaded with tea. The arrival of the other two High Commissioners, Yishan and Lungwen, on April 14th,<sup>119</sup> however, infused a more warlike spirit into the authorities at Canton, and military preparations, in distinct breach of the terms of the armistice, were plainly visible on all sides: forts were rearmed, troops were seen moving towards Canton. fire-rafts were known to be prepared above the city,<sup>120</sup> and the shopkeepers showed many signs of preturbation.<sup>121</sup> Captain Elliot allowed time for the trade to be finished, and then wrote demanding the immediate cessation of hostile preparations. The Chinese returned an evasive answer, and on May 10th he went to Canton; and on the 17th he moved up the military and naval forces. On the 21st, when the forces were within ten miles of the city, he ordered all foreign residents to leave Canton. At 11 p.m. on that day the Chinese opened fire on the ships lying off the factories, and sent fire-rafts down on them.<sup>122</sup> In the general action which then began, and continued during the next few days, seventy-one war-junks were destroyed, and the shore batteries, mounting over sixty guns, were captured and dismantled.

<sup>116</sup> Chin. Rep., March 1841.

<sup>117</sup> Ibid., April 1841.

<sup>118</sup> Ouchterlony, *op. cit.*, p. 130.

<sup>119</sup> Guin. Rep., April 1841; Ouchterlony, *op. cit.*, p. 130.

<sup>120</sup> Ouchterlony, *op. cit.*, p. 134; Belcher, *op. cit.*, ii, p. 178; Bernard, *op. cit.*, i, p. 434.

<sup>121</sup> Davis, *op. cit.*, i, p. 108.

<sup>122</sup> The fire-rafts consisted of boats loaded with combustibles, and chained together in bunches of from two to eight. About a hundred "rafts" were prepared, but only a dozen were ignited.—Bernard, *op. cit.*, ii, pp. 3, 8.

PREPARING FOR THE ASSAULT ON THE CITY OF CANTON, MAY 27TH, 1841.





The troops were directed towards the north side of the city, the river lying to the south; and on the 23rd, while they were engaged in this operation, the Chinese soldiery and mob entered and plundered the factories. On the morning of the 25th the forts defending the north side were captured: the next day was spent in parleying and in consolidating the position for an assault on the city walls; and on May 27th, as the troops, numbering 2395 infantry and artillery,<sup>123</sup> were preparing for the assault, their advance was arrested by the conclusion of a convention.<sup>124</sup>

§ 24. The convention, which had been concluded between the Chinese authorities and Captain Elliot, who was on the river front, was in five articles, as follows:

1°. The three High Commissioners,<sup>125</sup> and all troops other than those of Canton,<sup>126</sup> to quit the city within six days, and proceed to a distance of upwards of sixty miles.

2°. Six millions of dollars to be paid within one week, for the use of the crown of England; one million before sunset of the 27th.

3°. When all was paid, the British forces to return without the Boca Tigris; and Wangtung and all fortified places within the river to be restored, but not to be rearmed till affairs were settled between the two nations.

4°. Compensation for destruction of factories<sup>127</sup> and of Spanish brig *Bilbaino*.<sup>128</sup>

5°. Kwangchow-fu (the negotiator) to produce full powers, with seals of three High Commissioners, Viceroy, Tartar-General, and Governor.<sup>129</sup>

This convention has been much criticised, at the time and since. It was held that the Imperial arms and, especially, the Canton people, should not have been spared from the humiliation of the

<sup>123</sup> Bernard, op. cit., ii, p. 36.

<sup>124</sup> Ibid., pp. 21 seq.; Belcher, op. cit., ii, pp. 181 seq.; Ouchterlony, op. cit., pp. 136 seq.; Chin. Rep., May, June, 1841. The Chinese reinforcements from other provinces numbered 17,000.—Davis, op. cit., i, p. 110.

<sup>125</sup> The three Commissioners disappeared from the scene a few months later. Yishan was disgraced; but, being the emperor's nephew, was later appointed to a subordinate office in Turkistan. Lungwen died in his vexation, a common ending for a disgraced official. Yang Fang, over seventy years of age, was permitted to withdraw into private life, a rare act of clemency for one who had failed.—Davis, op. cit., i, p. 129.

<sup>126</sup> They were required to leave without banner displayed or music.

<sup>127</sup> £80,000. Capt. Elliot to Lord Aberdeen, Jan. 25th, 1842, in return to an Address of H. of Commons, March 7th, 1842.

<sup>128</sup> \$25,000. Cf. chap. ix, § 36.

<sup>129</sup> Ouchterlony, op. cit., p. 146; Chin. Rep., June 1841; Papers (pres. to both H. of P.) relating to the Monies received from the Chinese Authorities in the City of Canton under an agreement entered into on the 27th May, 1841, p. 6.

capture and hostile occupation of the city, because of their treacherous conduct, and because by no other means could their arrogance be brought low. There has also been the feeling that a junior captain in the navy, even though he had the queen's commission as plenipotentiary, should not have arrested, at the moment of prospective victory, the advance of a British force operating, for the first time on Chinese soil, under the command of a major-general. The first objection is serious. The provincial authorities were enabled to report that the barbarian had been repulsed from the walls of Canton, and the weakness of China, and her inability to resist the demands of England, were concealed for yet another year from the court of Peking. The people of Canton, too, and of the country around, had been called to arms, and the enforced withdrawal of the reinforcing troops sent by the emperor emphasised to them their own invincibility, when, in the sight of thousands of banded villagers swarming on the hills around, the British forces withdrew outside the Bogue after the ransom had been paid. From this time may be dated the unchangeable personal hostility of every Cantonese to every foreigner, carrying with it the seeds of much future trouble. The British government, too, did not approve of the action of the civil authority in arresting the forward movement of the armed forces of the crown. When Sir H. Pottinger's instructions were drafted, the only act of the kind which was known was the armistice of Chuenpi, January 8th; consequent on this knowledge he was instructed that "when you find that further negotiation is useless you will then inform the naval officer in command; and you will not then interfere with his operations unless you receive from the Chinese full and unconditional compliance with all your demands."<sup>130</sup> Though this inelasticity was afterwards rectified, and he was given greater freedom in resuming negotiations, it was still only to be after conference with the naval and military commanders;<sup>131</sup> and if this stringent check was imposed in consequence of the Chuenpi armistice, that of May 27th would have furnished a stronger reason.

§ 25. Apart from these considerations, however, there were some reasons which gave Captain Elliot a valid excuse for sus-

<sup>130</sup> Lord Palmerston to Sir H. Pottinger, May 31st, 1841. Cf. appendix K.

<sup>131</sup> Lord Aberdeen to Sir H. Pottinger, N. v. 4th, 1841. Cf. appendix M.

pending hostile measures. A year later, in defending his conduct,<sup>132</sup> he found it necessary to give his reasons rather for authorising the advance than for arresting it. Before the operations were begun, preparations were actually completed for a renewed expedition to the north; and the evasive answers of the Chinese were brushed aside and immediate action decided on, to free the forces prepared for this expedition. This same reason was valid for arresting the assault on Canton, though, in fact, the actual movement to the north was delayed until the arrival of Sir Henry Pottinger in August. The principal reason was, however, one in which the plenipotentiary must always be the authority, even when his judgment differs from that of the military commander. Sir Hugh Gough, outside the naval contingent, had available for duty at Canton just 2000 rank and file,<sup>133</sup> in whose discipline he had "great and well-founded confidence";<sup>134</sup> but experience at Tinghai had shown<sup>135</sup> that, in a Chinese city, the opportunities for getting strong drink were great and were not neglected, and there was no reason to expect a different result at Canton. Captain Elliot had had seven years of close acquaintance with the possibilities of the Chinese situation, while Sir Hugh Gough had arrived less than three months before; and, apart from his responsibility, the plenipotentiary was a better judge than the commander-in-chief of the dangers to the two thousand from twenty thousand, even of armed rabble, and from the irritated population of over a million people, amid the intricacies and narrow streets of a Chinese city. If the plenipotentiary had allowed the two thousand, either on the one hand to be engulfed in the seething masses of Canton, or on the other to occupy a wealthy and populous city without adequate force for its proper policing, it would have been a crime against humanity. Besides this, as a practical question, diplomatic pressure could best be applied to the Imperial government, not at the fringe of its dominion, but at its heart or its head only.<sup>136</sup>

<sup>132</sup> Capt. Elliot to Lord Aberdeen, *ubi sup.*    <sup>133</sup> Bernard, *op. cit.*, ii, p. 36.

<sup>134</sup> Ouchterlony, *op. cit.*, p. 148. This author, an officer in the expeditionary force, fully approves the convention.

<sup>135</sup> Ouchterlony, *op. cit.*, p. 47; Jocelyn, "Chinese Expedition," p. 62.

<sup>136</sup> The editorial comment of the Chinese Repository is much to the point. "The last hostile movements of the expedition seem to have stopped at the right point. It must have been hard, when at the gates of the defenceless metropolis, the heights in its rear covered with troops, to stop short of actual



§ 26. The British forces withdrew on May 31st, the \$6,000,000 having been paid.<sup>137</sup> This money has, even in official documents, been called the "ransom" of Canton, and has been considered compensation to the military and naval forces—prize money—in lieu of the plunder of the city. This it was not. The actual sum was doubtless suggested by the sum of \$6,000,000 in the Kishen convention of January, as "an indemnity to the British government,"<sup>138</sup> of which Lord Palmerston wrote as being "compensation for the opium surrendered."<sup>139</sup> The Chinese undoubtedly thought that they were fulfilling Kishen's engagement, and were paying for the opium; and this impression was not corrected the next year at Nanking.<sup>140</sup> Captain Elliot "officially declared that it had reference only to the relief of this city and province from pressure which could not continue to be applied"<sup>141</sup>—a cryptic utterance, which was somewhat elucidated by his later statement that "six million dollars were recovered from the Imperial treasury in diminution of the just claims of her Majesty's government."<sup>142</sup> The Lords of the Treasury asked the Foreign possession. Such possession, however, would most assuredly have broken to pieces the provincial government, and thrown the whole of this part of the empire into anarchy—a state of things as much to be deprecated by the foreigner as by the native."—*Chin. Rep.*, April 1841,

<sup>137</sup> The money was paid, \$4,900,000 in silver, principally sycee, so ear-marked as to show that it had come from government revenue-collecting offices; and \$1,100,000 in promissory notes and bonds.—*Papers rel. Monies, etc.*, ubi sup.

The Hong merchants made a forced contribution of \$2,000,000 to the total.—*Chin. Rep.*, June 1841.

Four millions of the ransom money was shipped to Calcutta and two millions to London.—C. Elliot to Lord Auckland, June 26th, 1841, appendix I.

<sup>138</sup> Cf. *antea*, § 14.

<sup>139</sup> Cf. *antea*, § 15.

<sup>140</sup> "The said barbarians begged that we should give them twenty-one millions of dollars. On examination it was found that they originally intended to extort thirty million dollars; but Changhi and his colleagues argued the point strongly again and again, and at length the sum was fixed at twenty-one millions. They said that six millions was the price of the opium, three millions for the Hong merchants' debts, and twelve millions for the expenses of the army. Changhi . . . repeated that the price of the opium, six million dollars, had already been paid by the city of Canton. . . . The barbarians exclaimed that twenty thousand chests had been destroyed, and it required no small sum to pay for them; the six millions that had been paid did not amount to half the prime cost; and therefore the deficiency must now be made good."—Memorial from Kiyang, Ilipu, and Niu Kien of Aug. 13th, 1842, in *Canton Register* of Oct. 7th, 1842, cited in *Chin. Rep.*, Oct. 1842.

<sup>141</sup> Capt. Elliot to Capt. Senhouse, senior (naval) officer, June 2nd, 1841, in *Papers rel. Monies, etc.*, ubi sup.

<sup>142</sup> Capt. Elliot to Lord Aberdeen, Jan. 25th, 1842, ubi sup. Cf. *antea*, § 17; appendix I.

Secretary<sup>143</sup> what was the "reason for demanding this ransom"; and he was unable to give any other explanation than the declaration to Captain Senhouse given above. Finally, it was decided that, after "assigning a certain portion of the funds" as remuneration to the forces engaged, "the residue will be best realised for the purpose to which it is legally applicable by being carried to the account of H.M. government in diminution of the charge which the country may be required to defray on account of the China war."<sup>144</sup>

§ 27. Meanwhile the organisation of the government of Hongkong proceeded. On April 30th rules for the British merchant service arriving in the port had been published, and Captain William Caine appointed the first police magistrate;<sup>145</sup> and on June 22nd the deputy superintendent, Alexander Robert Johnston, assumed charge of the government of the colony.<sup>146</sup> On June 7th Captain Elliot issued a proclamation declaring to the "merchants and traders of Canton and all parts of the empire, that they and their ships have free permission to resort to and trade at the port of Hongkong, where they will receive full protection from the high officers of the British nation; and, Hongkong being on the shores of the Chinese empire, neither will there be any charges on imports and exports payable to the British government."<sup>147</sup> On June 14th a sale by auction was held of the quit-rents of land at Hongkong; in all thirty-five lots, measuring 417,200 square feet, were sold, realising the sum of £3033.<sup>148</sup> The senior naval officer, Captain Sir Humphrey Le Fleming Senhouse, died on June 13th. Commodore Sir J. J. Gordon Bremer, who had gone to Calcutta in April, returned to Hongkong on June 18th, having been appointed joint plenipotentiary.<sup>149</sup> Colonel Sir Henry Pottinger, Bart.,

<sup>143</sup> Sir R. Peel replaced Lord Melbourne as Prime Minister, and Lord Aberdeen replaced Lord Palmerston as Foreign Secretary, from Sept. 8th, 1841.

<sup>144</sup> Treasury Minute of Dec. 4th, 1841, in Papers rel. Monies, etc. A later Minute gave the military and naval forces twelve months full batta.

<sup>145</sup> Chin. Rep., May 1841.

<sup>146</sup> Ibid., June 1841.

<sup>147</sup> Ibid.

<sup>148</sup> Ibid. Whether the sum was a final payment or an annual charge was afterwards in dispute.

<sup>149</sup> Ibid. He was appointed plenipotentiary in March "to act in case Admiral G. Elliot should be compelled to leave through illness."—Lord Palmerston to Adm. G. Elliot and Capt. C. Elliot, March 3rd, 1841, in Public Record Office.

arrived on August 10th, to enter on his duties as H.M.'s sole plenipotentiary, minister-extraordinary, and chief superintendent of British trade, together with Rear-Admiral Sir William Parker, commander-in-chief of the British naval forces in the East Indies, who came to assume personal command of the naval force in China. Captain Elliot and Commodore Bremer left for Bombay on August 24th,<sup>150</sup> on their way by the overland route to England.<sup>151</sup>

§ 28. Lord Palmerston's instructions to Sir H. Pottinger,<sup>152</sup> dated May 31st, 1841, informed him that he was sole plenipotentiary, with power to decide on every point connected with the negotiations; but, if it should become necessary to enforce compliance with his demands, he was not then (as had occurred at Chuenpi, and, though the fact was not then known in London, twice at Canton) to interpose and check the military and naval operations, until the Chinese should have given a full and unconditional compliance with all his demands. This was modified by Lord Aberdeen<sup>153</sup> to the extent of allowing him to resume negotiations after consultation with the naval and military commanders. Lord Palmerston further instructed him that, on his arrival in China, which should only be after a sufficient force was on the spot, the first step was to be the reoccupation of Chusan, evacuated under Captain Elliot's convention of January. Negotiations were not to be conducted in the vicinity of Canton, but either near Chusan or at the mouth

<sup>150</sup> Chin. Rep., Aug. 1841. So far in this history we have been dealing with a state of communications in which a despatch from Canton took from four to six months to reach London. Steam now came into use, and the "overland" route from Suez to Alexandria had just been opened for mails and passengers. Sir H. Pottinger left London June 5th, arrived at Bombay July 7th, left Bombay July 17th, and arrived at Macao August 10th, making 67 days in all, including 57 days of travel. "The rapidity of their travelling is notable" was the editorial comment.

On July 20th both Captain Elliot and Commodore Bremer were wrecked during a typhoon while on their way from Macao to Hongkong. The islanders ultimately took them to Macao, where they arrived on the 25th, in consideration of a reward of \$3000, ignorant that they had in their hands persons of a cash value of \$100,000 besides the value of those accompanying the two plenipotentiaries (cf. ante, § 7).—Bernard, "The Nemesis," ii, p. 105. After reaching Macao after this shipwreck, and before landing, Captain Elliot was greeted with the news of his political shipwreck.—Sir Henry Taylor, "Autobiography," i, p. 367.

<sup>151</sup> Belcher, "Voyage," ii, p. 230; Bernard, "The Nemesis," ii, p. 120.

<sup>152</sup> Cf. appendix K.

<sup>153</sup> Nov. 4th, 1841. Cf. appendix M.

of the Peiho, preferably the latter, owing to its proximity to Peking. For the demands to be made on China, the plenipotentiary was referred to the instructions to Admiral G. and Captain C. Elliot,<sup>154</sup> the demands in which "H.M.'s government have seen no reason to modify or abandon." The details of the indemnity to be required were examined, and the security of British subjects and the extension of British trade, the relative merits of the cession of an island and the establishment of factories at the ports to be opened to trade, were considered. The capabilities of Hongkong were to be specially studied; and the possibility of allowing the Chinese to collect customs dues in that British possession was discussed, in the light of certain precedents in Europe, Lord Palmerston showing himself not adverse to the plan, as one likely to develop the trade of the colony. When a treaty should have been signed, the emperor's ratification should be received before the treaty was sent for approval by the Queen, but the Chinese ratification need not be given to Sir H. Pottinger until the two ratifications could be exchanged. The stipulations of the treaty were, however, to be carried into effect at once. It was to be pointed out to the Chinese negotiators that the prohibition of the trade in opium would always be a source of friction, that England must not be expected to do China's work in the matter, and that legalisation of the trade would be for the interest of China; but "H.M.'s government make no demand in regard to this matter, for they have no right to do so. The Chinese government is fully entitled to prohibit the importation of opium, if it pleases; and British subjects who engage in a contraband trade must take the consequences of doing so." Finally, the plenipotentiary was to resist the adoption by the Chinese negotiators of their "tone of affected superiority." On the eve of Sir H. Pottinger's departure from London he was further informed by Lord Palmerston<sup>155</sup> of the emperor's rejection of the convention of January and of the advance against Canton in February—March; and was instructed that Hongkong was to be retained, Kowloon Point occupied or neutralised, and a formal ratification of the treaty by the emperor insisted on.

<sup>154</sup> Cf. *antea*, § 16; appendix B.

<sup>155</sup> June 5th, 1841. Cf. appendix L.

§ 29. Sir H. Pottinger's first step was to intimate to the English merchants that the day of subordinating national to commercial interests was over; and, on August 12th, he notified that, "with the most anxious desire to consult the wishes, and to promote the prosperity and well-being, as well as to provide for and secure the safety" of all the merchants trading in China, "at the same time, it becomes his first duty to distinctly intimate, for general and individual information, that it is his intention to devote his undivided energies and thoughts to the primary object of securing a speedy and satisfactory close of the war, and that he therefore can allow no consideration connected with mercantile pursuits, and other interests, to interfere with the strong measures which he may find it necessary to authorise and adopt towards the government and subjects of China, with a view to compelling an honourable and lasting peace." After referring to the probability of bad faith in the provincial authorities in keeping the truce, either of their own volition or under orders from Peking, he further felt compelled to "warn British subjects, and all other foreigners, against putting themselves or their property in the power of the Chinese authorities; during the present anomalous and unsettled state of our relations with the emperor; and to declare that, if they do so, it must be clearly understood to be at their own risk and peril."<sup>156</sup>

§ 30. The next step was to inform the provincial authorities at Canton of his appointment, which he did by letter carried to the city by Major Malcolm, secretary to the mission. They at once deputed the Kwangchow-fu to proceed, on August 18th, to Macao and pay his respects to the plenipotentiary. Sir H. Pottinger had a long and intimate acquaintance with the Asiatic character,<sup>157</sup> and refused to receive an official of rank so much inferior to his own as a prefect, referring him to Major Malcolm.<sup>158</sup> During this time, and during the months following, was seen the spectacle which was also seen fifteen years later; while the English and the Chinese were engaged in open

<sup>156</sup> Chin. Rep., Aug. 1841; Bernard, op. cit., ii, p. 115.

<sup>157</sup> He had served long in India, and had been resident to the court of the Amir of Sind.

<sup>158</sup> Bernard, op. cit., ii, p. 116. Bernard wrote from the notes of Hall commanding the *Nemesis*, and he had special opportunities for knowing what was going on, as his steamer was frequently employed as a despatch vessel.

hostilities in some parts of the empire, in other parts trade continued as usual, and the ordinary Chinese customs dues, and even the admittedly irregular charges, were paid as usual by the English merchants.<sup>159</sup> The public revenue from the foreign trade was used to pay the ransom of Canton in May 1841,<sup>160</sup> and it was available for use against the English arms in this and the following year, and again in the years 1857-1860. Only one operation of trade was checked by the English authorities, the importation of arms, usually in British ships, consigned nominally to Portuguese at Macao, but intended for sale to the Chinese.<sup>161</sup>

§ 31. A small body of troops and five ships of war having been left at Hongkong, Sir H. Pottinger started for the north on August 21st, taking with him ten ships carrying 320 guns, four steamers with 16 guns, and troops numbering 2519 officers and men.<sup>162</sup> Amoy was taken on August 26th;<sup>163</sup> and, leaving a garrison on Kulangsu, a small island forming one side of the inner harbour, the force continued its northward advance on September 5th. Tinghai was found to be strongly fortified since its evacuation in March, but it was taken on October 1st.<sup>164</sup> Changhai was taken on the 10th, after an obstinate resistance by the Chinese, and Ningpo was entered without opposition on the 13th.<sup>165</sup> Thereupon Yukien, the governor of the province, committed suicide.<sup>166</sup> From Ningpo as a centre, expeditions were sent a short distance inland, the cities of Yüao and Tzeki being temporarily occupied at the end of December, and

<sup>159</sup> Ouchterlony, op. cit., p. 169; Bernard, op. cit., ii, p. 426. After May 1841 the customs dues on goods were greatly increased, those paid on tea alone to the end of March 1842 amounting to \$6,000,000.—Chin. Rep., March 1842.

<sup>160</sup> Cf. ante, n. 137.

<sup>161</sup> Belcher, op. cit., ii, p. 232. The last duty assigned to Belcher's ship, H.M.S. *Sulphur*, before proceeding on her voyage round the world, was to check this illicit traffic in arms.

<sup>162</sup> Bernard, op. cit., ii, pp. 145, 146.

<sup>163</sup> *Ibid.*, pp. 124 seq.; Ouchterlony, op. cit., pp. 174 seq.; Davis, "During the War," i, p. 156.

<sup>164</sup> Bernard, op. cit., ii, pp. 195 seq.; Ouchterlony, op. cit., pp. 178 seq.; Davis, op. cit., i, pp. 189 seq. The Chinese loss was about 1000.—Chin. Rep., Oct. 1841; Davis, i, p. 201.

<sup>165</sup> Bernard, op. cit., ii, pp. 217 seq.; Ouchterlony, op. cit., pp. 188 seq.; Davis, op. cit., i, p. 199. The Chinese loss was about 1500.—Chin. Rep., Oct. 1841; Davis, i, p. 201.

<sup>166</sup> Davis, op. cit., i, p. 202. Yukien had been guilty of several atrocious judicial murders.

Fenghwa on January 10th.<sup>167</sup> On March 10th, 1842, at dawn, an attack on Ningpo and Changhai was made by Chinese troops, some ten to twelve thousand strong, but was repulsed; and on March 15th the English forces assumed the offensive, and defeated a force of eight to ten thousand at Tzeki.<sup>168</sup>

§ 32. Sir H. Pottinger returned to the south at the end of January, and, on February 27th, transferred from Macao to Hongkong the whole of the staff of the superintendency of trade. On February 16th he proclaimed that "Hongkong and Tinghai shall be considered free ports, and that no manner of customs, port duties, or any other charges shall be levied in the said ports on any ships of whatever nation."<sup>169</sup> He returned to the north on June 13th. The French and American flags were raised at Canton in March 1842, for the first time since they were struck in February 1839.<sup>170</sup> On March 31st Commodore Kearny, U.S.N., informed the American consul that the government of the United States did not sanction the smuggling of opium, and that he would not intervene in case of any difficulty arising therefrom.<sup>171</sup> At Canton trade had gone on much as usual, except that the dues were heavier; but the political situation, though it was what had been expected, was not satisfactory. On their side the Chinese had a grievance. They understood that, under the armistice of May 1841, the blockade was to be raised; they felt aggrieved when the naval forces continued to seize Chinese junks; this practice was stopped by Sir H. Pottinger on February 1st, 1842, and the junks which had been seized were restored to their owners.<sup>172</sup> The Chinese themselves had completely disregarded the conditions of the convention. In September the Kwangchow-fu was driven from office by the people, who resented the convention which he had signed.<sup>173</sup> In October it was observed that large bodies of militia were organised for the defence of Canton.<sup>174</sup> The work of obstructing the river near Canton was early taken in hand, and was completed by December, many thousand tons

<sup>167</sup> Chin. Rep., March 1842; Bernard, *op. cit.*, ii, p. 259; Ouchterlony, *op. cit.*, p. 224.

<sup>168</sup> Chin. Rep., April 1842; Bernard, *op. cit.*, ii, pp. 280, 288; Ouchterlony, *op. cit.*, pp. 230, 254.

<sup>169</sup> Chin. Rep., Feb. 1842.

<sup>170</sup> Ibid., March 1842.

<sup>171</sup> Ibid., April 1842.

<sup>172</sup> Ibid., Feb. 1842.

<sup>173</sup> Ibid., Sept. 1841.

<sup>174</sup> Ibid., Oct. 1841.

of stone being thrown into it for that purpose.<sup>175</sup> In January it was noticed that five new forts had been built near Canton and armed with cannon weighing up to four tons; and the militia were then said to number 30,000 men.<sup>176</sup> Sir H. Pottinger, however, would not allow his attention to be drawn from the north, and he closed his eyes to what had been done, which was all above Whampoa; but when, in March, he was approached by the Hong merchants, who were commissioned to inquire if he would sanction rearming the forts below Whampoa, he refused to see them, but caused an intimation to be made to them that he would prevent by force any rearming of forts below Whampoa.<sup>177</sup>

§ 33. In September 1841 the transport *Nerbudda* was wrecked on the coast of Formosa. The Englishmen on board, including the master, two mates, and an officer and 17 men of H.M. 55th regiment, left the ship in the only boat available, and shamefully abandoned to their fate 240 natives of India (170 dhoolie-bearers and 70 lascars) remaining on board. Of these, 2 were returned to the world; of the remainder some were drowned, some died of ill-treatment or insufficient food, and some (about 150) were beheaded by the Chinese authorities in Formosa in the August following. In the following March the brig *Ann* was wrecked, also on the coast of Formosa. Of the 57 on board, 11 were released in October, 2 died from privation, and the remaining 44 were beheaded on or about August 13th.<sup>178</sup> The officer responsible for this treatment of the men from these two ships was the Taiwan Chentai, named Tahungah, who was deprived of rank, and handed over to the Hing Pu in April, 1843.<sup>179</sup>

§ 34. The British government had taken long to formulate a policy, but its course was clear from the time the instructions were issued to the two Elliots in February 1840; and it was

<sup>175</sup> Chin. Rep., Dec. 1841.

<sup>176</sup> Ibid., Jan. 1842.

<sup>177</sup> Ibid., March 1842.

<sup>178</sup> Sir H. Pottinger's proclamations of Nov. 23rd, Nov. 26th, and Nov. 27th, 1842, in Chin. Rep., Dec. 1842; "Journals of Mr. Gully and Capt. Denham, during a captivity in China in 1842" (London: Chapman & Hall, 1844); Ouchterlony, op. cit., p. 203; Bernard, op. cit., ii, p. 156. On one occasion 55 from the *Ann* were shut up for a night in two cells, each about 8 ft. by 7 ft.

<sup>179</sup> Chin. Rep., Sept. 1843. It is not known if he was ever sentenced to any serious punishment, and it is known that he was soon rewarded.—Davis, "China since the Peace," ii, p. 120. Cf. chap. xvi, § 6.



to those that Sir H. Pottinger was referred for his general guidance. Now, at the end of September 1841, it was resolved that a larger force should be at the plenipotentiary's disposal. The Indian government was therefore instructed to "have all their disposable military and naval force at Singapore in April," so that pressure might be directed as soon as possible upon "a point where it will intercept the principal internal communication of the Chinese empire," and so compel the Chinese government to a satisfactory treaty.<sup>180</sup> The point indicated was Chinkiang, where the north and south route of the Grand Canal crosses the great east and west waterway of the Yangtze; and it must be remembered that in 1842, before the Yellow River abandoned in 1853 its old course to its old mouth, in latitude 34 N. (south of Shantung), and found a new outlet in latitude 38 N. (north of Shantung), and before neglect had ruined the Grand Canal, it was the main artery of traffic between the north and the south. A blockade of the Grand Canal at Chinkiang, and of the mouth of the Yangtze, stopped all supplies of rice from going north, and all exchange of commodities with the northern provinces, in which the capital was situated. The reinforcements brought the naval force up to 25 war-ships carrying 668 guns, 14 steamers with 56 guns, and 9 hospital, surveying, and other vessels, not including transports.<sup>181</sup> The land troops were brought up to over 10,000 infantry, besides artillery;<sup>182</sup> after strengthening the garrisons at Hongkong (by one regiment), Amoy, T'inghai (by one regiment), and Chinhai, and with considerable reductions from sickness, there were available for the attack on Chinkiang, or July 21st, 6907 officers and men of the land forces.

§ 35. The advance from Ningpo was begun on May 7th, before the arrival of any of the reinforcements, which joined at Wusung in June, and while the plenipotentiary was still at Hongkong. On May 18th Chapu was taken,<sup>183</sup> the Chinese forces numbering about 8000, of whom 1700 were Manchus of the resident military colony. This was the first occasion on which

<sup>180</sup> Lord Ellenborough (Pres. Board of Control) to Queen Victoria, Oct. 2nd, 1841, Letters, i, p. 336. Cf. also appendix I.

<sup>181</sup> Bernard, op. cit., ii, p. 511. About 60 transports were taken up to Nanking.

<sup>182</sup> Chin. Rep., June, 1842.

<sup>183</sup> Bernard, op. cit., ii, pp. 321 seq.; Ouchterlony, op. cit., pp. 268 seq.; Chin. Rep., June 1842.

the English met the Manchus in arms, and they were astonished at the sturdiness of the resistance, to which they had not been accustomed; and they were as much astonished at the readiness of the Manchus to die where they stood, at their own hands if not at the hands of the enemy. "When they could no longer fight, they could die; and the instances of mad self-destruction were perfectly horrible."<sup>184</sup> The families, too, were involved in the same destruction—"the women destroying their children, drowning them in wells, and throwing themselves in afterwards; the husbands hanging and poisoning their wives, and deliberately cutting their own throats."<sup>185</sup> The English loss was 9 killed and 55 wounded; of the Chinese from 1200 to 1500 were buried by their enemies.<sup>186</sup> The kindly treatment of the wounded and the prisoners in the hands of the English brought a grateful acknowledgment from Ilipu,<sup>187</sup> and the release of 16 English and Indian prisoners who had been captured on Chusan.<sup>188</sup>

§ 36. The troops at Chapu embarked on May 27th, and arrived with the fleet off Wusung on June 13th. On the 16th the ships engaged the batteries, "treacherously" taking them in flank, and silenced all their 253 guns; and on the 19th the forces occupied the city of Shanghai, which was found to have been abandoned.<sup>189</sup> The reinforcements had now arrived, and the combined forces moved on to Chinkiang, arriving there on July 20th, and preparing at once for the attack. The city was defended by about 9000 Chinese troops, encamped some five miles way and never coming under fire, and by the resident garrison of 1600 Manchus, to whom were added 800 Chinese,

<sup>184</sup> Bernard, *op. cit.*, ii, p. 329; Ouchterlony, *op. cit.*, p. 269.

<sup>185</sup> Bernard, *op. cit.*, ii, p. 331.

<sup>186</sup> General orders, May 21st, in *Chin. Rep.*, June 1842. From 80 to 90 guns were taken.

<sup>187</sup> After his degradation from the post of Nanking viceroy, he had been sent, in April, to Chekiang to "make himself generally useful" and restore his credit. After the evacuation (its "recapture" in Chinese terminology) of Chapu he was created grand secretary (*Chung-tang*), appointed lieutenant-general of its garrison—which had been exterminated—nominated one of the commissioners to negotiate peace, and later sent to Canton as High Commissioner.

<sup>188</sup> Bernard, *op. cit.*, ii, p. 330; *Chin. Rep.*, July 1842.

<sup>189</sup> Proclamation of Sir H. Pottinger, June 24th, in *Chin. Rep.*, July 1842; Bernard, *op. cit.*, ii, pp. 351 seq.; Ouchterlony, *op. cit.*, pp. 303 seq. No less than 364 guns (including 76 brass guns) were taken between Wusung and Shanghai.

within the walls; the assailants on land numbering 6907 effectives. That this vast empire could bring no greater force to defend the most vital strategic point within its borders, shows the faulty administration of a government which was effete and corrupt to the core; and the actual defence showed the absence of all leadership. The Manchu garrison, however, "fought with desperate determination,"<sup>190</sup> made a "desperate resistance,"<sup>191</sup> and "behaved with great spirit";<sup>192</sup> and the scenes of dauntless courage, of heroic self-immolation, and of ruthless slaughter of wives and children, witnessed in May at Chapu, were re-enacted in still greater intensity at Chinkiang in July.<sup>193</sup> Of the Manchu members of the garrisons it is probable that few survived;<sup>194</sup> and the lieutenant-general in command, Hailing, deliberately burned himself to death on an extemporised funeral pyre in his own house.<sup>195</sup> This was the last expiring flash from the old-time valour of the all-conquering Manchu bowmen; their prestige was broken, and from this time on they never again conquered in battle. But even at Chinkiang, with no intelligent leadership, with only a third of their enemy's number, and armed only with obsolete matchlocks, bows, and spears, they inflicted a loss of 37 killed and 129 wounded on their opponents.

§ 37. Chinkiang was occupied by a garrison,<sup>196</sup> and the main body pushed on to Nanking. Meantime the city of Kwachow, lying opposite to Chinkiang, offered its submission, purchasing exemption from the assault for \$500,000 ransom;<sup>197</sup> and all traffic, up and down, was completely stopped on both the Yangtze and the Grand Canal.<sup>198</sup> On June 27th, while the

<sup>190</sup> Bernard, *op. cit.*, ii, p. 403.

<sup>191</sup> Ouchterlony, *op. cit.*, p. 388.

<sup>192</sup> Sir H. Pottinger's Notification of July 24th, in *Chin. Rep.*, Sept. 1842.

<sup>193</sup> Bernard, *op. cit.*, ii, pp. 412 seq.; Ouchterlony, *op. cit.*, pp. 395 seq.

<sup>194</sup> "Thermopylae had its messengers of woe, but from the Alamo there was no survivor to tell the tale," might have been applied to Chinkiang.

<sup>195</sup> Bernard, *op. cit.*, ii, p. 414; Ouchterlony, *op. cit.*, p. 404. Sir H. Pottinger's comment was, "Worthy of a nobler death."—Notification of July 24th, in *Chin. Rep.*, Sept. 1842. His emperor decreed a memorial temple in his honour. *Chin. Rep.*, Oct. 1842; Bernard, *op. cit.*, ii, p. 429.

<sup>196</sup> "The strictest orders were given to prevent the pillage of the town. Measures were taken, not only to control our own men (who, according to European custom, might have been expected to be allowed to pillage a town taken by assault), etc."—Bernard, *op. cit.*, ii, p. 413. Also Ouchterlony, *op. cit.*, p. 418.

<sup>197</sup> Ouchterlony, *op. cit.*, p. 426.

<sup>198</sup> Bernard, *op. cit.*, ii, p. 418.

force was still off Wusung, and again on July 28th, before it left Chinkiang, communications were received, the first from Ilipu, and the second from the viceroy, Niu Kien, begging the plenipotentiary to await the writer's arrival in order to negotiate the terms of treaty; but Sir H. Pottinger would not arrest the forward movement, and arrived at Nanking on August 9th. Ilipu also arrived on that day, and was soon joined by Kiyung,<sup>199</sup> these two, with the Nanking viceroy, having been commissioned to negotiate with the English. Their first communications were found dilatory, and preparations for an attack on Nanking were begun on the 10th. Further communications asked for concessions, but Sir H. Pottinger's instructions were precise, and he had already stated his irreducible minimum. An assault was ordered on the 14th, but on that day the white flag was shown from the walls of Nanking, and, by the 17th, the English terms were accepted in principle.<sup>200</sup> Some days were spent in considering details and in translating the English text into Chinese; and on August 29th, on board H.M.S. *Cornwallis*, the treaty of Nanking, containing practically the terms prescribed by Lord Palmerston thirty months before, was signed, on behalf of England by Sir Henry Pottinger, and on behalf of China by the High Commissioners Kiyung and Ilipu, and by Niu Kien, the Nanking viceroy, in whose jurisdiction the act was performed.<sup>201</sup> The approval of the emperor reached Nanking on September 15th, and it was ratified by the Queen on December 28th;<sup>202</sup> the ratifications were exchanged at Hongkong on June 26th, 1843.

<sup>199</sup> Kiyung had been appointed Tartar-General at Canton, but was commissioned to negotiate the peace on his way to his post. He was an Imperial Clansman (a Yellow Girdle), and held the dignity of junior guardian of the heir-apparent.

<sup>200</sup> Chin. Rep., Sept. 1842; Bernard, op. cit., ii, pp. 432 seq.; Ouchterlony, op. cit., pp. 427 seq.

<sup>201</sup> On Oct. 23rd Niu Kien was degraded by Imperial edict, and in June following was put on his trial at Peking, ostensibly for the loss of the Wusung batteries, and was condemned to death.—Chin. Rep., Dec. 1842, June 1843. Kiyung was appointed titular Nanking viceroy, and, on the death of Ilipu, High Commissioner for Canton affairs. Ilipu was appointed High Commissioner at Canton, and died there March 4th, aged 72.—Chin. Rep., March 1843. Of the three, Niu Kien was Chinese, and the other two were Manchus.

<sup>202</sup> The treaty following closely the instructions of Lord Palmerston, which were approved by the cabinet forming a Liberal administration, was ratified by the Conservative government, whose members, in the debate of April 7th, 1840, and at other times, had opposed the war.

## CHAPTER XI

### THE FIRST TREATY SETTLEMENT

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§ 1. WITHIN the space of about two years, and as the direct result of the one war, four treaties were signed between China and foreign powers: the treaty of Nanking, August 29th, 1842, and the treaty of the Bogue, October 8th, 1843, with the English: the treaty of Wanghia, July 3rd, 1844, with the Americans; and the treaty of Whampoa, October 24th, 1844, with the French. These treaties, of which the first was imposed on China at the mouth of the cannon of the British fleet, and under the threat of an assault on the city of Nanking by British troops, contained no more than the stipulations which the successive English plenipotentiaries during the previous thirty months had been instructed by Lord Palmerston to exact.†

† Cf. chap. x, § 16; appendices A, B.

These stipulations in general established certain broad principles which, since that date, have formed the foundation on which has been erected the superstructure of the diplomatic and commercial relations between China and upwards of a score of foreign nations which have entered into common treaty relations. Up to 1839 it was China which dictated to the West the terms on which relations should be permitted to exist; since 1860 it is the West which has imposed on China the conditions of their common intercourse; the intervening period of twenty years was one of friction, when the West had imposed its conditions, which China tried to minimise and to resist; but, both during the period of friction and at the time of definite adjustment, it was to Lord Palmerston's settlement, as exemplified in the treaties of 1842-1844, that men turned for guidance and instruction.- The earliest treaty, that of Nanking, was, however, so general in its terms as to constitute rather a protocol than a treaty, and its deficiencies and omissions required to be supplemented in later instruments. As far as Western opinion was then prepared to go, this was done in the other three treaties referred to above; and, anticipating the historical narrative, it is advisable to treat the four treaties as constituting one settlement between China and the West.

§ 2. The draft treaty placed in the hands of the English plenipotentiaries by Lord Palmerston<sup>2</sup> made provision for a settlement of the questions at issue between the two countries, by proposed articles, which may be summarised as follows:

i. Perpetual peace and amity. The ports of Canton, Amoy, Foochow, Ningpo, and Shanghai [and others, if thought desirable] to be opened for residence and trade.

ii. "At the ports thus opened, consuls might be appointed, who should communicate direct with the Chinese authorities, and should be treated with due respect.

iii. An island or islands on the coast to be ceded in perpetuity.

iv. [viii.] An indemnity of . . . dollars as compensation for the opium "surrendered as ransom for the lives of British subjects and other foreigners."

v. [ix.] The monopoly of the Co-hong to be abolished, and a sum of . . . dollars paid for the debts of the Hong merchants.

<sup>2</sup> Cf. appendix A.

vi. [x.] An indemnity of . . . dollars for the expenses of the naval and military forces engaged in obtaining redress.

vii. [xi.] Prescribed the method and dates of payment.

viii. [xii.] When the treaty was signed, then all blockades were to be raised, and merchant ships which had been seized would be released; when say one-fourth was paid, Chinese national ships were to be released; when all was paid, the islands occupied were to be evacuated [except those ceded].

ix. [xiii.] Prescribed the method of signature, so as to demonstrate clearly the absolute equality of England and China, and of their sovereigns.

x. [xiv.] Ratifications to be exchanged as soon as possible.

The Chinese government was, however, to be given an option. Either an island was to be ceded, and five ports opened for the exchange of commodities, with no obligation to make special concessions for the future security of foreign merchants and their trade; or, "if the Chinese government express a wish that, instead of ceding islands, they should permit British subjects to establish factories and make permanent arrangements for carrying on trade on the mainland," then the cession of an island was not to be pressed, and, instead, the trade of the five ports was to be regulated on the basis of omitting article iii above, and inserting, between ii and the original iv, the following five articles:

[iii.] At the five ports British subjects might "establish houses, warehouses, and factories"; should be free to trade with any persons; all monopolies were to be abolished; there should be freedom to buy and sell on reasonable terms; they should manage their own affairs, "without broker, factor, agent, interpreter, linguist, or comprador" being imposed upon them; should also be free to choose their own servants.

[iv.] There should be a fair and regular tariff uniform at all the ports.

[v.] If any commodity were prohibited to be imported or exported, the prohibition should apply to all equally; and the Chinese should extend to British subjects all privileges in matters of commerce enjoyed by the citizens or subjects of any other power.

[vi.] If British subjects introduced a prohibited article, it might be seized and confiscated; if legal articles were smuggled, they might be seized and confiscated; "but it is expressly stipulated that in no case shall the persons of British subjects be molested on account of any matter arising out of the illegal importation or exportation of commodities."

[vii.] To maintain order, British courts might be established. A British subject accused of crime or offence was to be tried by such court, and the punishment left to the British authorities. "And, in general, all causes and suits in which British subjects in China shall be defendants, shall be tried by the above-named tribunals."

§ 3. The points settled in the preliminary act, the treaty of Nanking, were the following :

- 1°. The cession of Hongkong.
- 2°. The opening of five staples for the foreign trade.
- 3°. Liberty to appoint consuls at each.
- 4°. Money indemnity for losses and expenses.
- 5°. Abolition of monopoly.
- 6°. A uniform and moderate tariff on imports and exports.
- 7°. Equality between the officials of corresponding rank of the two countries.

The more important of the points left to be settled by the later instruments were :

- 8°. Most-favoured-nation treatment.
- 9°. Relations with the customs.
- 10°. Commercial relations between Chinese and foreign merchants.
- 11°. Jurisdiction over foreigners.
- 12°. Freedom of movement of men-of-war.
- 13°. Limitation of transit due on foreign goods.

The points concerning the English exclusively, which were left for later settlement, were :

- 14°. Regulation of the Chinese trade with Hongkong.
- 15°. Evacuation of Chusan and Kulangsu.

The provisions of the treaty of Nanking were limited to the concessions demanded in Lord Palmerston's first option, except that a fair and regular tariff was also included. The conditions of the second option were nearly all adopted in the later stages of the settlement.

§ 4. Cession of Hongkong.—The draft treaty, art. iii, provided for the absolute cession in perpetuity of an island or islands adjacent to the coast, which should serve as a military and commercial base. Chusan was foremost in the mind of the Foreign Secretary, repeatedly recommended through many years by the agents of the East India Company, and by others who had studied the conditions of trade with China. On the map the place was ideal. It was so situated as to tap the trade of the Yangtze basin, which has since taken so great a development and to serve as a depot for the northern provinces ;<sup>3</sup> and in English hands the port of Tinghai must

<sup>3</sup> In 1906 the share of the northern and central ports in the foreign trade of China was 70 per cent., of the southern coast ports 28 per cent., and of the southern frontier ports 2 per cent.



have assumed great commercial importance. Captain Elliot, however, had decided otherwise, and his decision was adopted by Sir H. Pottinger, in preferring Hongkong. This harbour was commodious, sheltered, and deep; and, in those days of sailing-ships only, it had the inestimable advantage of having an eastern and a western entrance, giving freedom to enter or leave with the wind in any direction, while the outer approaches were comparatively open. The harbour of Tanghai was small, of no great depth, difficult of access, and with outer approaches through intricate channels. In those days, too, the trade manifestly to be conserved was that of Canton, though the trade of the north had glorious possibilities; but, whatever might be done for the unknown, the known could best be provided for by the occupation of Hongkong. The future relations with the Chinese trade will be considered later.<sup>4</sup>

§ 5. **Treaty Ports.**—Lord Palmerston, in his first option, considered that the cession of an island to serve as base would provide sufficient security for British interests in China, and that the only further facility needed was to end the monopoly of Canton and to open additional points of entry, to serve as staples for the foreign trade. In the treaty of Nanking the only safeguards provided for the foreign merchants were: that they, “with their families and establishments, shall be allowed to reside, for the purpose of carrying on their mercantile pursuits, without molestation or restraint,” in the five ports;<sup>5</sup> the undertaking to “establish at all the five ports a fair and regular tariff” of customs duties;<sup>6</sup> and the abolition of the monopoly of the Co-hong, not only at Canton, but “in future at all ports where British merchants may reside, and to permit them to carry on their mercantile transactions with whatever persons they please.”<sup>7</sup> These were notable changes from the procedure of the old Canton factories; but they fell short of what had been found to be necessary, and the deficiencies were made good in the later treaties of the series.

<sup>4</sup> Cf. *postea*, § 17.

<sup>5</sup> Brit. treaty of Nanking, 1842, art. ii; Amer. treaty of Wanghia, 1844, arts. iii, v; Fr. treaty of Whampoa, 1844, arts. ii, iii, xxii.

<sup>6</sup> Brit. tr. Nanking, 1842, art. x; Am. tr. Wanghia, 1844, art. ii; Fr. tr. Whampoa, 1844, art. vi.

<sup>7</sup> Brit. tr. Nanking, 1842, art. v; Am. tr. Wanghia, 1844, art. xv; Fr. tr. Whampoa, 1844, art. ix.

§ 6. *Consuls.*—The difficulties arising from the treatment of Lord Napier and his successors, as representatives of their country and their nationals,<sup>8</sup> were adjusted by the provision that “superintendents or consular officers” were to be appointed to each of the five ports, “to be the medium of communication between the Chinese authorities and the said merchants.”<sup>9</sup> It was further provided that the high officers of the two countries should correspond under the term “communications”;<sup>10</sup> subordinate British officers and Chinese of high rank, the former under the term “statement,”<sup>11</sup> the latter under “declaration”;<sup>12</sup> and the subordinates of both countries, on a footing of perfect equality.<sup>13</sup> These two provisions, with the fleet and armed forces of the crown perpetually in the background, sufficed to give the consuls a position of authority and respect to which they were entitled. Commissioned to other countries, a consul is no more than the commercial agent of his government; but, in a country which has granted the privileges of extraterritoriality, he is charged with such important diplomatic and judicial powers as to remove him into a different class. In China these powers have, in the main, been exercised in a dignified way by most of the consuls of most of the greater, and many of the minor, powers, and the consuls of all nations have had an importance such as is not known elsewhere. For many years past, in fact, they have corresponded with viceroys and governors on terms of equality, using the form of “communication.” In one respect a duty was imposed on consuls in the British treaties, which was not in Lord Palmerston’s instructions, and is not to be found in the later treaties of the series. The Co-hong gave the Chinese government both security and machinery for collecting the taxes on foreign trade, and, on the abolition of its monopoly, it was agreed that the consuls were

<sup>8</sup> This convenient term, borrowed from the French, saves many periphrases, and sometimes an ambiguity. Neither “fellow-countrymen,” “fellow-subjects” nor “fellow-citizens” fully expresses the relationship between an official in an extra-territorialised country and those whom he protects and governs.—Michie, “Englishman in China,” i. p. 97, n.

<sup>9</sup> Brit. tr. Nanking, 1842, art. ii; Am. tr. Wanghia, 1844, art. iv; Fr. tr. Whampoa, 1844, art. iv.

<sup>10</sup> Cf. chap. vi, n. 12, 5°.

<sup>11</sup> Ibid., 8°.

<sup>12</sup> Ibid., 6°.

<sup>13</sup> Brit. tr. Nanking, 1842, art. xi; Am. tr. Wanghia, 1844, art. xxx; Fr. tr. Whampoa, 1844, art. xxviii.

"to see that the just duties and other dues of the Chinese government are duly discharged by British subjects," and "the security merchants being now done away with, the consul will be security for all British merchant ships entering any of the five ports."<sup>14</sup> This provision was carried out by British consuls with a great sense of justice and a desire to help China; but those of some other powers, not being bound thereto by their own treaties, did not generally feel the same obligation; and ten years later we shall find that this difference in practice was an important factor in leading to the establishment of the foreign inspectors of customs.

§ 7. **Money indemnities.**—The treaty of Nanking stipulated for the payment of an indemnity amounting to a total of \$21,000,000,<sup>15</sup> to be paid in instalments spread over three and a half years.<sup>16</sup> It is an interesting commentary on the question of the alleged drain of silver from China, that the indemnity, as well as the ransom of Canton in May 1841, was paid in silver and shipped off to London or Calcutta.

(a) On the amount settled to be paid for the Hong debts,<sup>17</sup> \$3,000,000, there was no dispute; the sum had been accepted on both sides as about sufficient to cover them, and there was no dispute as to the liability.<sup>18</sup> From the money received, the British government paid out at once for approved claims the sum of \$2,543,226, leaving unappropriated a balance of \$456,774; against this, there were claims amounting to \$267,927 against Hong merchants who had gone into liquidation since 1837, and debts in the older claim, of which the payment was disputed, amounting to about \$500,000.<sup>19</sup>

(b) For the war expenses \$12,000,000 were allotted.<sup>20</sup> In his first instructions to Sir H. Pottinger, dated May 31st, 1841,<sup>21</sup>

<sup>14</sup> Brit. tr. Nanking, 1842, art. ii; Gen. Regulations, 1843, art. xv. In the American treaty of this series it was provided that the consuls should report annually to the viceroy the number of vessels of their nation entering the port and the amount and value of their import and export cargoes.—Am. tr. Wanghia, 1844, art. xxiii. The French treaty did not provide even for this duty.

<sup>15</sup> Brit. tr. Nanking, 1842, arts. iv, v, vi.

<sup>16</sup> Ibid., art. vii.

<sup>17</sup> Ibid., art. v.

<sup>18</sup> Cf. chap. vii, §§ 22–26.

<sup>19</sup> An account of sums received from the Chinese government under the treaty of Nanking, H. of Commons paper, July 29th, 1846.

<sup>20</sup> Brit. tr. Nanking, 1842, art. vi.

<sup>21</sup> Cf. appendix K.

Lord Palmerston, while stating that the "expenses of the two expeditions will be better known to the Indian government," which was to provide the cost in the first instance, stated also that they could not amount to less than £1,000,000. Lord Aberdeen, Foreign Secretary under the new administration, wrote on November 4th, 1841,<sup>22</sup> pointing out that this sum must be considerably exceeded, but that it was not desired that the difficulties of the Chinese government should be increased; and the plenipotentiary was "not to break off the negotiation, or indefinitely prolong the war, in order to carry this sum to the full calculated amount of the expense incurred." With the "greater latitude" thus allowed, it may be assumed that the amount claimed and obtained did not exceed the expense incurred; and, in fact, to the amount of this claim the Chinese negotiators made no objection, informing the emperor that the relief from the blockade and other forms of pressure was exceedingly cheap at the price.<sup>23</sup> The cost of the war was repaid to the Indian government as follows:<sup>24</sup> £173,442 on the estimates of 1840-1841; £400,000 in 1841-1842; £800,000 in 1842-1843; £804,964 in 1843-1844; and £700,967 received at Calcutta from the ransom of the city of Canton;<sup>25</sup> making a total of £2,879,373. The whole of the indemnity was shipped to London and there recoined, the out-turn of the dollars being close on 4s. 6d.;<sup>26</sup> and, at this rate, the sum of £2,879,373 was equivalent to \$12,800,000, while at 4s. 10d., the rate mentioned in Lord Palmerston's instructions,<sup>27</sup> the equivalent was \$11,915,000. It is reasonable to assume, then, that the sum of \$12,000,000 was intended to cover the entire cost of the expeditions necessary to enforce the English demands on China.

(c) Lord Palmerston had instructed the plenipotentiary to "insist upon full compensation for the opium extorted from British subjects in 1839, as ransom for the superintendent and for the British subjects imprisoned in company with him at

<sup>22</sup> Cf. appendix M.

<sup>23</sup> Memorial of Aug. 13th, 1842, by Kiying, Ilipu, and Niu Kien, Chin. Rep., Oct. 1842.

<sup>24</sup> Paper ordered H. of Commons, July 24th, 1843.

<sup>25</sup> Cf. chap. x, n. 137.

<sup>26</sup> Acct. of sums received under the treaty of Nanking, H. of Commons paper, July 29th, 1846; J. F. Davis, "China since the Peace," ii, p. 136.

<sup>27</sup> Cf. appendix K.

Canton." In his calculation of the amount of the compensation, after allowing the sum paid, \$500 a chest, for the 523 chests supplied by Dent & Co.<sup>28</sup> he calculated the value of 19,760 chests on a supposed rate of \$300 a chest, and estimated the total value at \$6,189,616. The administration of which Lord Palmerston was a member had taken its stand on the rights of the British subject and the honour of the flag, and had treated the opium question as an incident in the dispute;<sup>29</sup> while the party then in opposition, which took office in September 1841, denounced the war as iniquitous, because it was fought to force opium on an unwilling China. The latter party obviously could not claim or grant a higher rate of compensation than their opponents; and the plenipotentiary was instructed by Lord Aberdeen to ascertain carefully the "value which the opium confiscated in March and April 1839 bore in the market in China at the time when the confiscation took place"; he was also informed that it "might further the objects of H.M. Treasury," if a statement were also sent of the value in January and February, and in May and June 1839.<sup>30</sup> The invoice cost of the opium surrendered had ranged from \$500 to \$575 a chest;<sup>31</sup> at an average of \$550, the total value of 20,283 chests was \$11,155,650. The amount claimed under the treaty of Nanking<sup>32</sup> was \$6,000,000; and it was this exact sum which was distributed among the holders of opium receipts, at the rates of \$303 a chest for Patna, \$274 for Benares, and \$295 for Malwa opium. Eleven million dollars was the sum which the opium had cost, and, approximately, this was the value at which the opium was rated in the discussions at Nanking;<sup>33</sup> but \$6,000,000 was the preliminary estimate of Lord Palmerston, and the amount settled in the treaty. It does not appear clear that any larger sum ought to have been claimed or awarded. The importers were engaged in a hazardous trade, in which the gains and losses might be large; they had been warned that they must bear any loss resulting from the more effectual execution of the Chinese

<sup>28</sup> Cf. chap. ix, § 15.

<sup>29</sup> *Ibid.*, § 48.

<sup>30</sup> Lord Aberdeen to Sir H. Pottinger, Dec. 22nd, 1841, in Public Record Office.

<sup>31</sup> Return to order H. of Commons, July 24th, 1843.

<sup>32</sup> Brit. tr. Nanking, 1842, art. iv.

<sup>33</sup> Cf. chap. x, n. 140.

law;<sup>34</sup> the Chinese acts in restraint of smuggling were admittedly legitimate and *intra vires*; and it was as the result of these acts that the market price of opium in China was driven to so low a figure, while nowhere else was there a market sufficiently large to absorb 20,000 chests, could they have been free to go there.<sup>35</sup> The British government protested against one act only connected with the opium itself—the requirement to bring it within the power of the Chinese, as ransom for the persons of the superintendent and other British subjects—and made a particular point of freeing itself from any suspicion of giving official support to the traffic in a prohibited article; and the sum exacted from the Chinese government was, approximately, the sum which that government must have paid had it gone secretly into the market and bought the opium which it confiscated at the rates then ruling.

(d) It remains, however, a fact that the merchants suffered a money loss of not less than \$5,000,000, besides interest on their outlay;<sup>36</sup> the Indian government received for its revenue about £1,000,000 from opium which was destroyed, and which, much of it, was replaced by later purchases; and the British government took to itself, as a droit of the crown,<sup>37</sup> the \$6,000,000 received for the “ransom of the city of Canton,” which was not needed to reimburse it for the cost of the expedition, and which, not being awarded to other claimants, became a windfall for the Treasury.

§ 8. Abolition of Monopoly.—On this point there was no uncertainty. The evils of the monopoly of the Co-hong were patent, and no amount of mere regulation could be expected to diminish them; and it was determined that the monopoly must be abolished. In his draft treaty, Lord Palmerston had in the first option, involving the cession of an island, left to the Chinese the unrestricted right to regulate all fiscal and commercial relations in their own ports, excepting only in this one respect; for this he had stipulated, in article v [ix],<sup>38</sup> that

<sup>34</sup> Cf. chap. viii, § 38.

<sup>35</sup> Report Sel. Comm. H. of Commons, 1840, *passim*.

<sup>36</sup> On rates of interest, cf. chap. vii, § 26, 8°.

<sup>37</sup> Treasury minute, Dec. 4th, 1841; Lord Aberdeen to Sir H. Pottinger, Dec. 2nd, 1841 (appendix N).

<sup>38</sup> Cf. *antea*, § 2.

the monopoly of the Co-hong was to be abolished, and abolished it was, as far as treaties could accomplish that end.<sup>39</sup>

§ 9. *Tariff*.—In the draft treaty the enactment of a “fair and regular tariff” was to have formed part of the second option only; but Sir H. Pottinger, in making his treaty on the basis of the first option, with the cession of Hongkong and without the regulation of commercial relations, had seen that the tariff was the key to the situation, and incorporated it among the demands made on the Chinese at Nanking.<sup>40</sup> This tariff, adopted also with slight changes by the Americans and the French,<sup>41</sup> was based on a moderate and uniform rate of about 5 per cent. on the value of both imports and exports, except that on tea, in which China had then a natural monopoly, an export duty of about 10 per cent. was allowed. The differences in a few of the main staples of trade may be seen in the following table:<sup>42</sup>

	Previous Rates.		New Tariff.
	Official.	Actual Levy.	
IMPORTS.			
Raw cotton . . . per picul	Tls. 0-298	1-740	0-400
Grey shirtings . . . „ piece	„ 0-069	0-373	0-100
White „ . . . „ „	„ 0-285	0-702	0-150
Cotton yarn . . . „ picul	„ 0-483	2-406	1-000
Broadcloth . . . „ chang <sup>43</sup>	„ 0-712	1-242	0-150
EXPORTS.			
Silk, Nanking . . . per picul	„ 15-276	23-733 }	10-000
„ Canton . . . „ „	„ 8-576	10-570 }	
Tea . . . „ „	„ 1-279	6-000	2-500
Sugar . . . „ „	„ 0-269	0-475	0-250
Cotton cloth . . . „ „	„ 1-844	2-651	1-000

<sup>39</sup> Brit. tr. Nanking, 1842, art. v; Am. tr. Wanghia, 1844, art. xv; Fr. tr. Whampoa, 1844, art. ix.

<sup>40</sup> Brit. tr. Nanking, 1842, art. x.

<sup>41</sup> Am. tr. Wanghia, 1844, art. ii; Fr. tr. Whampoa, 1844, art. vi.

<sup>42</sup> Figures abstracted from J. R. Morrison, “Commercial Guide.”

<sup>43</sup> “In the principal article of export, Tea, we have generally been better able to trace the charges than on other goods; and, with regard to this important branch of trade, we may observe that the expense of shipping off was, only a few years since, including duty and Consol fund, only Tls. 2-50 per picul, the analysis of which charge your Excellency will find stated in our letter of 13th January. Four years since, the total charge was raised to 5 taels; last

The reductions illustrated here were to the detriment, not so much of the revenue, as of the collectors.

The measurement fees were not referred to in the treaty of Nanking; but they were abolished later by special agreement,<sup>44</sup> and for them were substituted tonnage dues at the rate of Tl. 0.500 a ton on ships of over 150 tons burden, and Tl. 0.100 on ships below that size.<sup>45</sup> By this stipulation a vessel of 900 tons, on which the open and regular measurement fees formerly amounted to \$8000 (Tls. 6000),<sup>46</sup> was now to pay Tls. 450 as tonnage dues, and one of 420 tons, instead of Tls. 2667,<sup>47</sup> was to pay Tls. 210.

§ 10. **National Equality.**—In Lord Palmerston's first option, giving an island base under the British flag, the assertion of the equality in dignity of England and China, and of their agents and representatives, was made the essential, and almost the only, point. The reparation for the past was directed to this alone, and the treaty was put in such a form and contained such stipulations as to remove England from the list of tributary nations and to place her sovereign and her officials on a relative equality with those of China. The national equality was asserted by the form of the treaty. Both countries were equally styled "Great";<sup>48</sup> their sovereigns were given in the

year, as high as Tls. 8.50, and is now again reduced to 6 taels. From the best information we can obtain, the present charge of 6 taels is subdivided as follows:

	Tls.
Paid into the Hoppo's office (but we have no means of knowing what is irregular, and what regular charge)	1.96
Charge for difference in weight (uncertain how far regular), 12 per cent.	0.23
Consol fund	1.86
Difference between the weights of the foreigners and teamen	1.00
Mending chests, coolie hire, and other Hong charges	0.30
Balance assumed to be profit of the Hong merchants	0.65
Taels per picul	<u>6.00."</u>

—Committee of British merchants to Sir H. Pottinger, Feb. 8th, 1843, in Chin. Rep., Feb. 1843.

<sup>44</sup> Chang, length of 141 English inches.

<sup>45</sup> Agreement of July 1843, "Treaties," i, p. 176.

<sup>46</sup> Gen. Regulations of Trade, July 1843, art. v; Brit. tr. Bogue, 1843, art. xvii; Am. tr. Wanghai, 1844, art. vi; Fr. tr. Whampoa, 1844, art. xv.

<sup>47</sup> Cf. chap. ix, § 28.

<sup>48</sup> Cf. chap. iv, § 16.

<sup>49</sup> In Chinese eyes there was but one "Great" empire, to which all others were subjected, and but one "Great emperor," just as in Europe, to the end of



places of equal dignity;<sup>49</sup> and the plenipotentiaries were named and affixed their signatures, the English first on the English version, and the Chinese first on the Chinese version; never again could China deny the national equality of England and China. The high officers on both sides were to communicate direct and on terms of perfect equality;<sup>50</sup> never again was an envoy required to submit to the indignities to which Lord Napier and Captain Elliot had been subjected. Consuls were to be the medium of communication between the Chinese authorities and their nationals,<sup>51</sup> and were to be duly recognised as such and treated on terms of equality and mutual respect;<sup>52</sup> and they became the protectors of their nationals and the guardians of their rights. Foreign residents were to enjoy full security for their persons and property,<sup>53</sup> and defended from insult and injury.<sup>54</sup>

§ 11. *Most-favoured-nation Treatment.*—It had been Captain Elliot's opinion<sup>55</sup> that the present crisis should be settled by a simple treaty of two clauses, one ceding Hongkong, the other securing all privileges which might be granted to any other power; and Lord Palmerston had included this among the commercial clauses of his second option.<sup>56</sup> In the treaty of Nanking, which obtained the cession of Hongkong, this provision was not included; but in the later treaties, from 1843 down to the present day, the clause has always been inserted.<sup>57</sup>

the eighteenth century, there was but one empire and one emperor, whose ambassador claimed precedence over the representatives of other sovereigns. The "Great" of Chinese terminology corresponds to the "*Dei gratia*" of European royal titles.

<sup>49</sup> Honour is shown to a name in Chinese official documents by interrupting the text and beginning a new line; additional honour is shown by raising the name above the new line. In the treaty of Nanking "Great England" and "Great China" were raised one space; "Emperor," "Queen," "Sign Manual," and "Ratification" were raised two spaces. In the French Treaty, the King of the French (Louis Philippe) is styled "*Sa Majesté l'Empereur des Français*," as an assertion of equality. The American treaty is made between "The United States of America and the Ta-tsing Empire"; in the Chinese the President is given equal "elevation" with the Emperor.

<sup>50</sup> Brit. tr. Nanking, 1842, art. xi; Am. tr. Wanghia, 1844, art. xxx; Fr. tr. Whampoa, 1844, art. xxxiii.

<sup>51</sup> Brit. tr. Nanking, 1842, art. ii.

<sup>52</sup> Am. tr. Wanghia, 1844, art. iv; Fr. tr. Whampoa, 1844, art. iv.

<sup>53</sup> Brit. tr. Nanking, 1842, art. i; Fr. tr. Whampoa, 1844, art. i.

<sup>54</sup> Am. tr. Wanghia, 1844, art. xix; Fr. tr. Whampoa, 1844, art. xxvi.

<sup>55</sup> Cf. chap. x, § 16.

<sup>56</sup> Cf. *antea*, § 2 [v].

<sup>57</sup> Brit. tr. Bogue, 1843, art. viii., Am. tr. Wanghia, 1844, art. ii; Fr. tr. Whampoa, 1844, art. vi

This privilege is, in some measure, the correlative of the English position, taken from the outset, that they sought no exclusive rights or privileges.<sup>58</sup>

§ 12. *Relations with the Customs.*—Before the treaties the foreign merchants had no direct dealings with the customs, except for the payment of measurement fees on their ships. The charges on goods were paid by the Hong merchants; on them fell the burden of the official, semi-official, and unofficial exactions, which they in turn passed on to the foreign merchants, but so covered up that their amount could not be ascertained. The treaty of Nanking provided no machinery for any change in this procedure—that formed part of Lord Palmerston's second option; but in the later treaties the foreign merchant was brought into direct relations with the customs, and, in them, was protected at every step. The foreign merchants might, through their consul, address complaints to the Chinese authorities, a right formerly denied them;<sup>59</sup> there was freedom to engage pilots, servants, compradors, interpreters, cargo-boats, seamen, etc., without interference;<sup>60</sup> customs officers might be stationed on board a ship, but could exact neither money nor food;<sup>61</sup> a ship's papers and a full manifest of her inward cargo must be deposited at the consulate;<sup>62</sup> the consul might intervene in disputes arising from the examination of goods or their valuation;<sup>63</sup> standard balances, weights, and measures were to be provided;<sup>64</sup> dues and duties were to be paid, before the clearance of the vessel, to bankers specially licensed by the Chinese authorities;<sup>65</sup> on the other hand, if a ship was concerned in smuggling, the smuggled goods might be confiscated and the ship prohibited from further trading,<sup>66</sup> or

<sup>58</sup> Cf. chap. x, §§ 14, 30; appendix M.

<sup>59</sup> Brit. tr. Nanking, 1842, art. ii; Am. tr. Wanghia, 1844, art. iv; Fr. tr. Whampoa, 1844, art. iv.

<sup>60</sup> Gen. Regulations, 1843, arts. i, x; Am. tr. Wanghia, 1844, art. viii; Fr. tr. Whampoa, 1844, arts. xi, xxi, xxiv.

<sup>61</sup> Gen. Reg., 1843, art. ii; Am. tr. Wanghia, 1844, art. ix; Fr. tr. Whampoa, 1844, art. xii.

<sup>62</sup> Gen. Reg., 1843, art. iii; Am. tr. Wanghia, 1844, art. x; Fr. tr. Whampoa, 1844, art. xiii.

<sup>63</sup> Gen. Reg., 1843, art. vii; Am. tr. Wanghia, 1844, art. xi; Fr. tr. Whampoa, 1844, art. xvi.

<sup>64</sup> Gen. Reg., 1843, art. ix; Am. tr. Wanghia, 1844, art. xii; Fr. tr. Whampoa, 1844, art. xix.

<sup>65</sup> Gen. Reg., 1843, art. viii; Am. tr. Wanghia, 1844, art. xiii; Fr. tr. Whampoa, 1844, art. xviii.

<sup>66</sup> Brit. tr. Bogue, 1843, art. xii; Fr. tr. Whampoa, 1844, art. ii.

the ship and cargo might be confiscated.<sup>67</sup> None of these rights and safeguards had been granted before, but they were retained and extended in all later treaties.

§ 13. **Commercial Relations between Merchants.**—The old relation had been one of monopoly and the close gild<sup>68</sup> on the one side, and, on the other, restraint and subjection. The Hong merchant was responsible for every act of the foreign trader and his ships, and all on board the ships; and, to enable him to carry the burden, he alone could buy from the foreigner and sell to him, he provided house accommodation, compradors, and servants, and every act of the foreigner was under his control and supervision. All this monopoly was swept away, and the foreign merchant was now free to buy and sell with whom he pleased, at prices to be settled by mutual agreement;<sup>69</sup> engage without restraint his own compradors and servants, and scholars to teach him the language;<sup>70</sup> acquire or rent accommodation for houses, offices, warehouses, hospitals, churches, and cemeteries, on reasonable terms.<sup>71</sup> On the other hand, while the old restraints on walks and expeditions for exercise and pleasure were relaxed, the movements of foreigners were still to be restricted to the limits of a moderate distance from the treaty port, to be settled by consultation between the consuls and the Chinese authorities.<sup>72</sup>

§ 14. **Jurisdiction over Foreigners.**—The English had for a long time acted on the principle that none of their nationality should be surrendered to Chinese criminal jurisdiction, as it was practically exercised; and, during the course of the negotiations of the treaty of Wanghia, the American envoy found an opportunity to reverse the precedent established in the *Terranova* affair.<sup>73</sup> On this point, then, all the powers were agreed; but at Nanking, consistently with the policy of demanding no commercial concessions if Hongkong were ceded, the matter was

<sup>67</sup> Brit. tr. Bogue, 1843, art. iv; Am. tr. Wanghia, 1844, art. iii.

<sup>68</sup> Cf. the author's "Gilds of China."

<sup>69</sup> Brit. tr. Nanking, 1842, art. v; Am. tr. Wanghia, 1844, arts. v, xv; Fr. tr. Whampoa, 1844, arts. ii, ix.

<sup>70</sup> Am. tr. Wanghia, 1844, arts. viii, xviii; Fr. tr. Whampoa, 1844, art. xxiv.

<sup>71</sup> Brit. tr. Bogue, 1843, art. vii; Am. tr. Wanghia, 1844, art. xvii; Fr. tr. Whampoa, 1844, art. xxii.

<sup>72</sup> Brit. tr. Bogue, 1843, art. vi; Am. tr. Wanghia, 1844, art. xvii; Fr. tr. Whampoa, 1844, art. xxiii.

<sup>73</sup> Cf. chap. v, § 22; chap. xii, § 8.

not provided for. There was, however, some correspondence between the negotiators on the subject; and in the later treaties it was provided, that, on the one hand, foreign seamen should be allowed on shore only under precise regulations, and, on the other, that persons accused of a crime (*crime et délit*) should be tried by the officials, and under the law, of their own country.<sup>74</sup> Civil cases had not given any trouble in the past, and the necessity of assuming jurisdiction, sole or mixed, in such cases had not yet been demonstrated to the foreign powers. Exclusive jurisdiction was claimed in cases solely between foreigners on both sides.<sup>75</sup> In mixed cases between foreigners and Chinese, where the parties could come to no agreement, the consul was to intervene and try to arrange the matter amicably; if this was found impossible, it was to be settled by a sort of arbitration between the consul and the Chinese authorities.<sup>76</sup> This indeterminate rule for settling civil cases fell short of Lord Palmerston's original proposal (art. [vii]) that all causes in which British subjects were defendants should be tried by the British courts; but it remained the letter of the law until the treaties of 1858; and it was only by the Chefoo agreement of 1876 that full recognition was given to the principle of Lord Palmerston's proposal, which had, by degrees, become the established practice.

§ 15. **Movements of War-ships.**—In the regulations affecting the movements of ships of war, the English showed every desire to consider the Chinese, while at the same time claiming the right to protect their nationals and their trade. A ship was to be stationed at each of the five ports, "that the consul may have the means of better restraining sailors and preventing disturbance,"<sup>77</sup> but the Chinese authorities were to be informed of any intention to replace one ship by another, "lest the appearance of an additional ship should excite misgivings amongst the people."<sup>78</sup> The Americans and French claimed, further, that

<sup>74</sup> Gen. Reg., 1843, arts. xii, xiii; Am. tr. Wanghia, 1844, arts. xvii, xxi; Fr. tr. Whampoa, 1844, arts. xxiii, xxvii. "Le principe étant que, pour la répression des crimes et délits commis par eux dans les cinq ports, les Français seront constamment régis par la loi française."—Fr. tr. Whampoa, 1844, art. xxvii.

<sup>75</sup> Am. tr. Wanghia, 1844, art. xxv; Fr. tr. Whampoa, 1844, art. xxviii.

<sup>76</sup> Gen. Reg., 1843, art. xiii; Am. tr. Wanghia, 1844, art. xxiv; Fr. tr. Whampoa, 1844, art. xxv.

<sup>77</sup> Gen. Reg., 1843, art. xiv.; Fr. tr. Whampoa, 1844, art. v.

<sup>78</sup> Brit. tr. Bogue, 1843, art. x.

ships of war cruising for the protection of commerce should be well received in any of the ports of China at which they might arrive ;<sup>79</sup> and this right, under the most-favoured-nation clause, was asserted by all powers having treaties with China.

§ 16. *Inland Transit*.—In the treaty of Nanking it was provided that foreign goods, on which import duty had been paid, might be conveyed to any part of China on payment of "a further amount as transit duties which shall not exceed [ ] per cent."<sup>80</sup> It was found impossible to settle definitely the amount of these transit duties, and, by a special note, signed June 26th, 1843, it was agreed that "the further amount of duty shall not exceed the present rates, which are upon a moderate scale."<sup>81</sup> This attempt to settle by a few vague words the internal taxation of an empire of vast distances, accomplished no good result ; but the question did not seem important at the time, and only became urgent after the cost of suppressing rebellion had driven China to increase largely her inland taxes.

§ 17. *Chinese Trade with Hongkong*.—In Captain Elliot's convention of January 1841 it was arranged that "all just charges and duties to the empire upon the commerce carried on at Hongkong were to be paid as if the trade were conducted at Whampoa."<sup>82</sup> Lord Palmerston instinctively objected to a provision which "would render Hongkong not a possession of the British crown, but, like Macao, a settlement held by sufferance in the territory of the crown of China."<sup>83</sup> But, apart from the consideration that Hongkong is an entering wedge into Chinese territory, situated, with reference to the mainland, as the Isle of Wight is to the mainland of England, or Long Island to the United States, Lord Palmerston saw certain advantages to Hongkong and to its trade, if Chinese customs obligations were acquitted there, and could point to certain European precedents ;<sup>84</sup> and he instructed Sir H. Pottinger that some such arrangements might be made, if the plenipotentiary saw fit. It seemed, however, inadvisable to injure the status of Hongkong as a free port,<sup>85</sup> and it was provided that Chinese

<sup>79</sup> Am. tr. Wanghia, 1844, art. xxxii ; Fr. tr. Whampoa, 1844, art. xxx.

<sup>80</sup> Brit. tr. Nanking, 1842, art. x.

<sup>81</sup> "Treaties," i, p. 165.

<sup>82</sup> Cf. chap. x, § 14 ; appendix K.

<sup>83</sup> Cf. chap. x, § 15.

<sup>84</sup> Cf. appendix K.

<sup>85</sup> Cf. chap. x, §§ 14, 30.

trade with Hongkong was to be conducted under the following regulations :

1°. Chinese vessels trading to Hongkong must obtain a permit or port clearance from the Chinese customs for each trip, as to a foreign port.

2°. An English officer was to supervise this trade at Hongkong, and the fact that a native junk was unprovided with such a permit would be presumptive evidence that she was engaged in smuggling or unauthorised trade.

3°. Debts were to be recoverable, even if a Chinese absconded from Hongkong, or a foreign debtor to Hongkong.

4°. Returns of native ships and their cargoes were to be exchanged monthly between the Hongkong and the Chinese authorities.<sup>86</sup>

There was no attempt in these provisions to carry out Lord Palmerston's instructions, and no attempt to safeguard the Chinese revenue, except by an *ex post facto* report of ships and their cargo. Even this protection was found excessive by the sturdy free-trade sentiment of the Hongkong merchants, and the Chinese authorities were not allowed to find in it a means of securing the revenue which was due from the trade with a foreign possession so temptingly situated for the operations of the smuggler.

§ 18. *Evacuation of Places held in Pledge.*—In the treaty of Nanking it was provided that the islands of Kulangsu and Chusan should "continue to be held until the money payments and the arrangements for opening the ports to British merchants be completed";<sup>87</sup> and by the later treaty of the Bogue the islands were to be evacuated "the moment all the monies stipulated for in that treaty [of Nanking] shall be paid," and all buildings were to be handed over as they were, "so as to prevent any pretence for delay, or the slightest occasion for discussion or dispute, on those points."<sup>88</sup> Chusan was evacuated on July 25th, 1846, though its continued occupation was urged as a means of enforcing the right of entrance to the city of Canton, which was held to be one of the "arrangements for opening the port to British merchants"; but Lord Aberdeen, referring to the precise language of the later arrangement, informed Sir J. F. Davis that a scrupulous observance of good

<sup>86</sup> Brit. tr. Bogue, 1843, arts. xiii-xvi. Cf. chap. xii, § 15.

<sup>87</sup> Brit. tr. Nanking, 1842, art. 12.

<sup>88</sup> Brit. tr. Bogue, 1843, art. xi.

faith and treaty obligations was of more importance than any tactical advantage.<sup>89</sup>

§ 19. The opium question was not settled by the war, nor by the treaty imposed upon China as the result of the war; but, after the treaty had been signed, there was some discussion and correspondence between the plenipotentiaries for the two countries, on this and some other subjects which still remained unsettled. The suggestion was made, and was strengthened by so many arguments, that China would be wise to legalise the opium trade, and thereby be enabled to keep it under better control, and at the same time derive from it a revenue for the benefit of the Imperial treasury; but, when Kiying and his colleagues declared that they dared not raise this question of their own initiative, they were informed by Sir H. Pottinger that his instructions were to make the suggestion, but not to press it.<sup>90</sup> On December 28th he informed the British merchants that he indulged "the hope, a very faint one I admit, that it will be in my power to get the traffic in opium, by barter, legalised by the emperor."<sup>91</sup> Seven months later he informed them that opium was not, as they had suggested, included in the articles not enumerated in the tariff, liable to a duty of five per cent. ad valorem; that trade in it was still illegal and contraband; and that British subjects engaging in it would receive no support or protection from British officials.<sup>92</sup> In July he informed the High Commissioner at Canton that he had "received authority not to allow opium to be brought to Hongkong, or even into its waters"; but he felt bound to add a warning that the effect of this restriction would be to drive the trade into secret channels.<sup>93</sup> The High Commissioner was also warned that he must not expect the British authorities to enforce against British subjects and British ships the requirements of the Chinese laws against any prohibited trade, and, further, that the persons of British subjects must not be molested for any act of smuggling, but that the remedy must lie against the ship and her cargo. While opium was thus passed in silence in the documents which closed the dispute between

<sup>89</sup> Lord Aberdeen to Sir J. F. Davis, April 18th, 1846.

<sup>90</sup> Return H. of Lords, May 8th, 1857, p. 1.

<sup>91</sup> Chin. Rep., Jan. 1843.

<sup>92</sup> Proclamation, Aug. 1st, 1843, Chin. Rep., Aug. 1843.

<sup>93</sup> Return H. of Lords, May 8th, 1857, p. 9.

England and China, the trade in it was expressly prohibited in the American treaty, and it was admitted, in order to be designated as "contraband," in the tariff annexed to and forming part of the French treaty. In taking this action the Americans were somewhat disingenuous, since American merchants had been for many years, and were then, engaged in the trade, and continued their direct connexion with it for a dozen years yet to come. Russia, too, issued a ukase prohibiting the export of opium from Russian territory to China.<sup>94</sup>

§ 20. These were the chief provisions of the first series of treaties, of which the first treaty had been accepted under pressure within a space of three days at Nanking. The Chinese negotiators there were convinced of the necessity of accepting any terms that might be offered, and there was but little discussion or attempt to obtain any modification; and the Emperor accepted their decision. To the country at large, however, the necessity was not so apparent. Apart from the fact that the Asiatic does not naturally accept any decision as final, there had been nothing to demonstrate to the empire that it must come to its knees. The Manchus of Chapu and Chinkiang had been exterminated, but the defeats elsewhere were not such as to affect other parts of the empire. At Ningpo and Changhai the prize fund had benefited to the extent of \$445,781, almost entirely from official sources; but the expenditure there and on the near-by island of Chusan for the maintenance of the British troops and ships amounted to many times that sum; and elsewhere in the north but little had been taken from the people.<sup>95</sup> The Manchu officials, of whom Kishen, Ilipu, and Kiying were typical, had shown statesmanlike qualities and an ability to forecast the future; but their Chinese colleagues had been blindly bellicose in the beginning, and were both belligerent and irreconcilable at

<sup>94</sup> Lord Palmerston to Sir H. Pottinger, May 31st, 1841, enclosing copy of ukase, in Public Record Office.

<sup>95</sup> The total prize fund amounted to \$543,459, not including the value of 76 brass guns taken at Wusung and Shanghai, estimated at \$400 a ton; the fund came chiefly from the sale of brass guns captured, and from the contents of government treasuries and granaries.—*Turn of Prize Money, China*, return to order H. of Commons, June 29th, 1843. Except from the rescue of plunder from the hands of Chinese marauders, there was on the whole but little loot. *ig* by the British troops.—Bernard, Ouchterlony, *passim*.



the end. The city of Canton, which alone had had direct touch with the intrusive foreigner, had seen Lord Napier expelled from its precincts, and Captain Elliot humiliated; had within twelve months been spared from the consequences of war on no less than five occasions—on Admiral Elliot's arrival, three times by Captain Elliot, and on Sir H. Pottinger's arrival; and the feeling of its inhabitants was that, however weak the rest of China had shown itself, they at least had always repelled attack. A further element of discontent at Canton was found in the Hong merchants and their employés, the linguists, the compradors, and the hangers-on of government offices, who had all lost the pickings to be derived from the abolished monopolies, and who yearned for the fatness of the good old days, when the foreign merchants were as clay to the potter's hand. The government had made peace, had abandoned its previous claims and privileges, and had accepted the humiliating terms imposed on it; but the empire at large still claimed the right, "as from God and nature, to override the artificial restrictions of unjust treaties";<sup>96</sup> and it remained yet to be demonstrated that the terms imposed on China by the treaties of 1842-1844 were to be the law regulating the relations between the East and the West.

<sup>96</sup> "His support of the British claim 'as from God and nature' to override the artificial restrictions of unjust treaties, his denunciation of the convention of the Pardo as 'a stipulation for the national ignominy,' voiced the inarticulate sentiment of the new England."—C. Grant Robertson on William Pitt, Lord Chatham, *Quarterly Review*, Oct. 1908, p. 325.

## CHAPTER XII

### INTERNATIONAL READJUSTMENT

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§ 1. SIR H. POTTINGER, after an interview at Amoy with Iliang, the Foochow viceroy, arrived at Hongkong on December

2nd. Five days later, on the 7th, occurred the first of a long series of riots which marked the history of the succeeding years at Canton.<sup>1</sup> The greater part of the British forces—sixty ships, men-of-war and transports—left Hongkong on December 20th; and on the closing day of the year it was recorded that “the people of Canton were regaining their usual quiet, trade was going on, and less apprehension felt of another outbreak; most of the foreign residents had returned to their houses.”<sup>2</sup> Ilipu was appointed High Commissioner for Canton affairs, but negotiations for the settlement of outstanding questions had not proceeded far, when, on March 4th, 1843, he died, at the age of seventy-two. Kiying, who had been appointed Nanking viceroy in succession to Niu Kien, degraded for the loss of Wusung and Shanghai, was now appointed High Commissioner for foreign affairs, but he did not arrive to take up his post until June 5th. Meantime, negotiations for the new tariff of duties and for the “general regulations under which the British trade is to be conducted at the five ports of Canton, Amoy, Foochow, Ningpo, and Shanghai,”<sup>3</sup> were going on between Mr. Thom, interpreter to the mission, and Hwang En-tung, provincial treasurer of Kwangtung,<sup>4</sup> Mr. Thom being assisted by a committee of five of the leading English merchants. On April 13th Sir H. Pottinger addressed a note to Kikung, the Canton viceroy, in which, referring to the “extensive system of smuggling and evasion of duties practised at Canton, with the connivance of the custom-house officers,” he offered his co-operation in checking it, in any way consistent with his situation and duties. At the same time he repeated “that which I have over and over again explained, that the suppression of smuggling must depend on the activity and integrity of the Chinese custom-house

<sup>1</sup> These riots, occurring at Canton and elsewhere, will be considered in detail in a later chapter (xiv). This plan has some disadvantages, since the course of events was influenced by the state of friction of which they are the evidence; but a more important consideration is the fact that, without a proper understanding of this continuing state of friction, the causes which led up to the second war cannot be properly understood.

<sup>2</sup> Chin. Rep., Dec. 1842.

<sup>3</sup> “Treaties,” i, p. 191.

<sup>4</sup> “Such men as Kiying and Hwang elevate the character of their nation in the eyes of all who have opportunity to make their acquaintance, and give the foreigner a higher idea of the degree of talent among those who rule this country than could ever be inferred from the distant intercourse had in former years with the provincial authorities at Canton.”—Chin. Rep., Sept. 1844.

officers; that neither British officers, nor people, nor vessels can be employed in it; and that, however deeply I may deplore such disreputable and disgraceful conduct, the remedy does not lie in my hands."<sup>5</sup> This statement had no special reference to opium, but to the evasion of duties on ordinary merchandise.

§ 2. The Queen's ratification of the treaty of Nanking reached Hongkong on June 6th, the day after Kiying arrived at Canton; and he was invited to Hongkong for the exchange. This was effected on June 26th. The ratifications were first compared and exchanged, a royal salute being fired; and the Queen's proclamation, declaring Hongkong to be a possession of the British crown, was then read out. Then, Kiying and his suite having withdrawn, Sir H. Pottinger read the commission appointing him governor and commander-in-chief of the colony of Hongkong. Then was also published the order in council<sup>6</sup> constituting the royal charter of the colony of Hongkong, and another<sup>7</sup> declaring that the court of justice created by the order in council of December 9th, 1833,<sup>8</sup> was established at Hongkong; and later, under date of August 26th, 1843, two commissions were issued, one authorising the superintendent for the time being of the trade in China to enact laws with the advice of the legislative council of Hongkong, the other to Sir H. Pottinger "for the temporary exercise of the office of superintendent."<sup>9</sup> The tariff and general regulations were then taken up for discussion; and, having been signed by the two plenipotentiaries, they were published on July 22nd. Negotiations on the supplementary treaty were then begun, and the treaty was signed at the Bogue on October 8th; it was first published at Hongkong by a proclamation of the succeeding governor, Mr. J. F. Davis, on July 10th, 1844.<sup>10</sup> On October 24th, Sir H. Pottinger issued a proclamation warning British ships that, if found north of latitude 32°, they would be assumed to be there for an unlawful purpose, and not entitled to British protection.<sup>11</sup> The British authorities did not, however, assume the responsibility for enforcing this prohibition.

§ 3. The Portuguese authorities also opened negotiations with Kiying to establish the status of Macao. They hoped to

<sup>5</sup> Chin. Rep., May 1843.

<sup>6</sup> At Westminster, April 5th, 1843.

<sup>7</sup> At Windsor, Jan. 4th, 1843.

<sup>8</sup> Cf. chap. vi, § 1; chap. ix, § 30.

<sup>9</sup> Commissions under the Great Seal in virtue of the act 6 & 7 Vict. c. 80.

<sup>10</sup> "Treaties," i, p. 198.

<sup>11</sup> Chin. Rep., Oct. 1843.

obtain the entire freedom enjoyed by Hongkong, but this the Chinese were not prepared to give; Macao was Chinese soil, and Chinese jurisdiction over it was maintained. Exemption from the annual ground-rent of Tls. 500 was asked, but was refused; but the permits hitherto required for building and repairs, and the fees collected for them,<sup>12</sup> were abolished as an act of grace. National equality was also asked; it was granted to the extent of allowing that letters from the procurador of the senate to the authorities of Casa Branca and the tsotang<sup>13</sup> should be sent officially, as from equal to equal: but no closer approach was given to the territorial and provincial officials. In trade matters it was granted that the five ports should be open to Portuguese ships equally with others; but all ships at Macao itself were to pay tonnage dues at the same rates as would be payable at Whampoa, Chinese merchants were to pay to the Chinese custom-house at Macao the rates of duty on their goods prescribed by the new tariff, and produce from Chinese ports to Macao was all liable to duty.<sup>14</sup> Macao was, in fact, put on much the same footing as one of the treaty ports, and the grasp of the Chinese authorities on its fiscal and territorial jurisdiction was only slightly relaxed.

§ 4. The signing of the treaty of Nanking, which, with the exception of the Russian treaties on the northern frontier, made the first breach in the wall of Chinese exclusiveness, produced a great effect on the Western world, and stirred up a feeling of emulation. The first to take action was the American republic, which divided with England the sea trade of China, and was solicitous that its ships and merchants should share in the facilities and protection which the war had secured for the English. Not, however, by such crude methods were the blessings of peace to be secured; not by the display of force, but by the weight of logic and justice, were the relations between the two countries to be regulated. "Our minister is authorised to make a treaty to regulate trade. Let it be just. Let there be no unfair advantage on either side."<sup>15</sup> At the same time, while

<sup>12</sup> Cf. chap. iii, § 5.

<sup>13</sup> Ibid. These Chinese authorities were of very low standing.

<sup>14</sup> Chin. Rep., Oct. 1843.

<sup>15</sup> Letter of President John Tyler to the Emperor of China, July 12th, 1843. This letter (cited in Williams, "Middle Kingdom," ii, p. 565) deserves to be read for the quaintness of its phraseology, which is such as might be addressed

American merchants were to be required to conform to the law, the dignity of the republic was to be maintained.

"You will state in the fullest manner the acknowledgment of this government that the commercial regulations of the empire, having become fairly and fully known, ought to be respected by all ships and by all persons visiting its ports; and if citizens of the United States, under these circumstances, are found violating well-known laws of trade, their government will not interfere to protect them from the consequences of their own illegal conduct. You will at the same time assert and maintain, on all occasions, the equality and independence of your own country. The Chinese are apt to speak of persons coming into the empire from other nations as tribute bearers to the emperor. The idea has been fostered, perhaps, by the costly parade of embassies from England. All ideas of this kind respecting your mission must, should they arise, be immediately met by a declaration, not made ostentatiously, or in a manner reproachful toward others, that you are no tribute bearer; that your government pays tribute to none, and expects tribute from none; and that, even as to presents, your government neither makes nor accepts presents."<sup>16</sup>

§ 5. Mr. Caleb Cushing<sup>17</sup> was appointed "as Commissioner, and as Envoy Extraordinary and Minister Plenipotentiary of the United States" to China, and given an escort of a frigate and a sloop-of-war, with which he arrived at Macao on February 24th, 1844. His nomination and the object of his mission had previously been communicated to the authorities at Canton by the American consul,<sup>18</sup> but on his arrival he found that no preparations had been made by the Chinese to further his mission. On February 27th he informed the acting viceroy, Cheng, that he was commissioned to negotiate a treaty and was also instructed to "proceed to the city of Peking, there to deliver a letter addressed to his Imperial Majesty by the President of the United States."<sup>19</sup> The viceroy replied that, as an envoy on his way to Peking, Mr. Cushing must wait until a memorial

by the Great White Father at Washington to his red children on the bounding prairies of the West.

<sup>16</sup> Daniel Webster, Sec. of State, to Caleb Cushing, May 8th, 1843, "Letters of D. Webster," vi, p. 467, cited in Moore, "Int. Law Digest," v, p. 416; J. W. Foster, "American Diplomacy in the Orient," p. 80; Chin. Rep., Aug. 1845. See also J. W. Foster, "A Century of American Diplomacy," pp. 289 seq.

<sup>17</sup> Then Member of Congress from Massachusetts.

<sup>18</sup> Mr. Paul S. Forbes, of the firm of Russell & Co. His proper designation was, of course, U.S. consul, or consul for the United States of America, as being an officer of the federal government; but "American" is more convenient a designation applied both to minister, consul, or navy, and to their nationals, in China.

<sup>19</sup> Mr. Cushing to Viceroy Cheng, Feb. 27th, 1844, Moore, "Int. Law Digest," v, p. 418; Foster, "Am. Dip. in Orient," p. 82; Chin. Rep., Aug. 1845.

should first be reverently submitted, and the Imperial sanction obtained; <sup>20</sup> besides, there would be no facilities for negotiating in the north—"in settling the regulations for trade with the English, the plenipotentiary (Sir H. Pottinger) had to return to Canton, in order to deliberate with the Chinese High Commissioner upon all the details and settle them." <sup>21</sup> Mr. Cushing replied that "he deems himself bound by his instructions to continue his journey to the north," but offered to go by another route than the mouth of the Peiho, if the Chinese government preferred it. <sup>22</sup> Later, reverting to the suggestion that the English envoy had negotiated at Canton, he wrote :

"The rules of politeness and ceremony observed by Sir H. Pottinger were doubtless just and proper in the particular circumstances of the case ; but, to render them fully applicable to the United States, it would be necessary for my government, in the first instance, to subject the people of China to all the calamities of war, and especially to take possession of some island on the coast of China, as a place of residence for its minister. I cannot suppose that the Imperial government wishes the United States to do this. Certainly no such wish is entertained at present by the United States, which, animated with the most amicable sentiments towards China, feels assured of being met with corresponding deportment on the part of China." <sup>23</sup>

A few days later the viceroy took occasion to protest against the action of the U.S. frigate *Brandywine* in passing the Bogue and going to Whampoa, <sup>24</sup> but Mr. Cushing repelled the contention that any law could require a national ship to remain outside the river, or that the visit should create any unfriendly feeling. <sup>25</sup>

§ 6. Mr. Cushing found himself baffled, and, though not subjected to the same indignities, placed in a position similar to that of Lord Napier. His instructions breathed the spirit of peace, but the situation forced him to warn the viceroy that the course followed must inevitably lead to hostilities, and to send a short and dignified protest in the following terms :

"I can only assure your Excellency that this is not the way for China to cultivate good will and maintain peace. The late war with England was

<sup>20</sup> Cf. chap. vi, §§ 7, 9 ; chap. vii, §§ 16, 17.

<sup>21</sup> Viceroy Cheng to Mr. Cushing, March 19th, 1844 ; textually in Chin. Rep., Aug. 1845.

<sup>22</sup> Mr. Cushing to Viceroy Cheng, March 23rd, 1844, Chin. Rep., Aug. 1845.

<sup>23</sup> Mr. Cushing to Viceroy Cheng, April 16th, 1844, *ibid.*

<sup>24</sup> Viceroy Cheng to Mr. Cushing, April 19th, 1844, *ibid.*

<sup>25</sup> Mr. Cushing to Viceroy Cheng, April 22nd, 1844, *ibid.*

caused by the conduct of the authorities at Canton, in disregarding the rights of public officers who represented the English government. If, in the face of the experience of the last five years, the Chinese government now reverts to antiquated customs, which have already brought such disasters upon her, it can be regarded in no other light than as evidence that she invites and desires war with the other great Western powers. The United States would sincerely regret such a result. We have no desire whatever to dismember the territory of the empire. Our citizens have at all times deported themselves here in a just and respectful manner. The position and policy of the United States enable us to be the most disinterested and the most valuable of the friends of China. I have flattered myself, therefore, and cannot yet abandon the hope, that the Imperial government will see the wisdom of promptly welcoming and of cordially responding to the amicable assurances of the government of the United States."<sup>26</sup>

Ten days later the viceroy wrote, maintaining his protest against the entrance of the *Brandywine* into the river, and informing Mr. Cushing that Kiyng had been commissioned to negotiate a treaty, and might be expected to arrive at Canton within a month; meantime he himself was not authorised to receive a visit from the envoy, or to hold any intercourse with him.<sup>27</sup> Mr. Cushing replied, reviewing the occurrences of the past three months, which, he declared, he did right to resent; but, as he had "left America as a messenger of peace," he was resolved, "notwithstanding what has occurred, since my arrival here, to chill the warmth of my previous good-will towards China," to maintain the "existing harmonious relations between the United States and China." He accordingly stated that he would await the arrival of Kiyng, and negotiate the terms of a treaty with him at Canton.<sup>28</sup> Having to eat humble pie, the envoy did it gracefully; but, even in the end, he did not reach Peking, and did not have an audience of the emperor: "On the question of my proceeding to Peking, Kiyng avowed distinctly that he was not authorised either to obstruct or facilitate my proceeding to court; but that, if I persisted in the purpose of going there at this time, he had no power to continue the negotiation of the treaty."<sup>29</sup> Mr. Cushing pre-

<sup>26</sup> Mr. Cushing to Viceroy Cheng, April 24th, 1844, Chin. Rep., Aug. 1845.

<sup>27</sup> Viceroy Cheng to Mr. Cushing, May 4th, 1844, *ibid*.

<sup>28</sup> Mr. Cushing to Viceroy Cheng, June 9th, 1844, *ibid*.

<sup>29</sup> Mr. Cushing to Mr. John Nelson, Sec. of State, July 8th, 1844, Chin. Rep.; Sept. 1845; Mr. R. M. Martin ("China: Political, Commercial, and Social") has stated that it was proposed later that Mr. Cushing and the French envoy, M. de Lagrené, should go to Peking together; but there is no reference to this in



ferred a treaty to the barren honour of an audience, and delivered the president's letter to Kiyang for transmission to the emperor.

§ 7. The arrival of Kiyang at Canton on May 30th put matters on a better footing. After settling the English treaties, he had gone to Peking in December; and, by an Imperial decree dated April 22nd, he was now transferred from the Nanking to the Canton viceroyalty, and in addition was to retain the dignity of High Commissioner in charge of all commercial matters.<sup>30</sup> On June 17th he moved down to Wanghia (Mongha in Cantonese), a village just outside the barrier forming the boundary of Macao.<sup>31</sup> Here, or on the way thither,<sup>32</sup> he had a conference with Mr. J. F. Davis,<sup>33</sup> who had just arrived to take up his post of plenipotentiary, governor of Hongkong, and superintendent of trade. After an exchange of ceremonial visits, Kiyang courteously paying the first call on Mr. Cushing at his residence in Macao, negotiations for the

any official documents, and, in one respect, Mr. Martin contradicts himself. Treating of the French embassy (i. p. 399) he says "M. Lagrené did not attempt to proceed to Peking, although Mr. Cushing urged his co-operation in an attempt to open a direct communication with the Tartar sovereign." Describing the course of the American embassy (i. p. 424), he says: "Mr. Cushing, in order to conciliate Kiyang, refrained from attempting to go to Peking, and even refused to make the attempt when M. Lagrené asked Mr. Cushing to join him and proceed to Peking."

<sup>30</sup> "The Inner Council has received the Emperor's commands: 'Kiyang has already been transferred to the office of governor-general of Kwangtung and Kwangsi: to the said governor's superintendence We entirely commit the adjustment of the future free commercial relations in the provinces; We command, as formerly, that the SEAL OF MINISTER AND IMPERIAL COMMISSIONER be given to him; and, in order to give due weight, We command and permit him to affix this seal to all official correspondence, etc., which may be required while superintending the commerce at the ports of the provinces.'"—*Chin. Rep.*, July 1844.

<sup>31</sup> It is curious that two such excellent authorities as John W. Foster, sometime Sec. of State ("Am. Dip. in Orient," p. 86), and J. B. Moore, Professor of International Law and Diplomacy at Columbia University, and sometime Asst. Sec. of State ("Int. Law Digest," v. p. 419), should have emphasised the incorrect statement that Wanghia was on Portuguese, and not on Chinese, soil, even if it were accepted that Macao was not Chinese soil. In fact Wanghia is nearly a mile to the south of, i.e. within, the Porto do Cerco, which was built in 1849-50, after Governor Amaral's coup d'état (cf. postea, § 18), in order to extend the limits of Macao; but it lies a mile to the north of, i.e. without, the old barrier, Porto do Campo, built by the Chinese authorities in 1573 (cf. chap. iii, § 3); and therefore, in 1844, even assuming that Macao were Portuguese, Wanghia was on Chinese soil.

<sup>32</sup> "Midway between Hongkong and Canton," J. F. Davis, "China since the Peace," ii, p. 43.

<sup>33</sup> Cf. chap. vii, §§ 1-7.

treaty were begun on June 21st, and carried on Wanghia. Before this, however, there was a small, but characteristic, misunderstanding which required clearing up. In Kiyung's first despatches, dated June 3rd, he showed what he, or his secretaries, considered due respect for the American name by raising it one space above the level; but, as in the same despatch he raised the name of China and his own sovereign two spaces,<sup>34</sup> Mr. Cushing returned the document, "in the belief that your Excellency will see the evident propriety of adhering to the forms of national equality, the observance of which is indispensable to the maintenance of peace and harmony between the two governments, whose common interests recommend that each should treat the other with the deference due to great and powerful independent States."<sup>35</sup>

§ 8. Kiyung had barely left Canton when an event occurred which threatened for a time to interrupt the negotiations by reviving the situation which existed on the death of Lin Wei-hi.<sup>36</sup> The *Brandywine* had brought out a flagstaff, which was erected in the "American garden" of the Canton factories, in front of the American consulate. The arrow, serving as its vane, was held by the Cantonese to be the cause of some sickness then prevailing, and, on this being explained to the consul, he at once removed the vane; notwithstanding this, a mob broke into the grounds on the same day, May 6th, and assumed a threatening attitude. On June 15th some rowdies assaulted Englishmen who were walking in the English garden, and drove them into the water; the next day Americans walking in the American garden were "assaulted with brickbats and compelled to have recourse to firearms, in defence of their lives against the violence of a mob of ladrones or desperadoes," and, in the course of the affray, a Chinese Hsü A-man was killed; no protection was obtained from Chinese soldiers on those two days or on the 17th. Mr. Cushing appealed to Kiyung for protection, to prevent a recurrence of similar acts of violence.<sup>37</sup> In his reply Kiyung struck the keynote of his difficulties during the coming years, declaring that the "temper of the Cantonese is

<sup>34</sup> Cf. chap. xi, n. 49.

<sup>35</sup> Mr. Cushing to Kiyung, June 2nd, 1844, Chin. Rep., Sept. 1845; Foster "Am. Dip. Orient," p. 85.

<sup>36</sup> Cf. chap. ix, §§ 29-31, 40.

<sup>37</sup> Mr. Cushing to Kiyung, June 22nd, 1844, Chin. Rep., Oct. 1845.

overbearing and violent; fiery banditti are numerous—an idle vagrant set, who set in motion many thousand schemes, in order to interrupt peace between this and other countries. Since the time when the English soldiers came, these ladrones have banded together and formed societies.” He then expressed the opinion that Hsü A-man’s life might possibly have been taken without just cause, and that the Cantonese would probably demand a life for the life taken.<sup>38</sup> Mr. Cushing refused to submit to Chinese jurisdiction in the matter; and a jury of six American residents of Canton, summoned by the consul on July 11th, “having heard the evidence placed before them, are unanimously of opinion that the killing was a justifiable act of self-defence.”<sup>39</sup> In communicating this finding to Kiyung, Mr. Cushing added:

“I adopt and approve the judging of the gentlemen who officiated on the occasion; for I am constrained to repeat to your Excellency, that the mob who wantonly attacked the foreigners, and the police who culpably neglected their duty in the matter, are the parties really to blame, and who ought to be punished, not only for the assault committed on the foreigners, but for the death of Hsü A-man. For that death, the mob and the police deserve to be held responsible, in the eyes of God and of man.”<sup>40</sup>

It was fortunately found that the deceased was a stranger to Canton, having no family or friends there to demand redress, and Kiyung acquiesced in the settlement.

§ 9. As Captain Elliot had assumed an authority over British subjects, which his government decided that he did not possess, but which the logic of events compelled the government to leave in the hands of its representative in China,<sup>41</sup> Mr. Cushing, too, found himself driven to assume, by inference, a jurisdiction which his instructions did not give to him, and to reverse the precedent established in the Terranova case, the latest in which an American had been charged with homicide.<sup>42</sup> He enunciated the principle on which he felt bound to act in the Hsü A-man, and in all future cases, in a letter to the American consul at Canton:

<sup>38</sup> Kiyung to Mr. Cushing, June 28th, 1844, Chin. Rep., Oct. 1847.

<sup>39</sup> Chin. Rep., Nov. 1845.

<sup>40</sup> Mr. Cushing to Kiyung, July 22nd, 1844, Chin. Rep., Nov. 1845.

<sup>41</sup> Cf. chap. vi, § 3; chap. ix, n. 114; ante, § 2.

<sup>42</sup> Cf. chap. v, §§ 22, 34.

"The nations of Europe and America form a family of States, associated together by community of civilisation and religion, by treaties, and by the law of nations.

"By the law of nations, as practised in Europe and America, every foreigner, who may happen to reside or sojourn in any country of Christendom, is subject to the municipal law of that country, and is amenable to the jurisdiction of its magistrates on any accusation of crime alleged to be committed by him within the limits of such country. Here the minister or consul cannot protect his countrymen. The laws of the place take their course.

"In the intercourse between Christian States on the one hand, and Mahomedan on the other, a different principle is assumed, namely, the exemption of the Christian foreigner from the jurisdiction of the local authorities, and his subjection (as the necessary consequence) to the jurisdiction of the minister, or other authorities of his own government.

"One or other of these two principles is to be applied to the citizens of the United States in China. There is no third alternative. Either they are to be surrendered up to the Chinese authorities, when accused of any breach of law, for trial and punishment by the magistrates of China, or (if they are to have protection from their country) they come under the jurisdiction of the appointed American officer in China.

"In my opinion, the rule which obtained in favour of Europeans and Americans in the Mahomedan countries of Asia is to be applied to China. Americans are entitled to the protection and subject to the jurisdiction of the officers of their government. The right to be protected by the officers of their country over them, are inseparable facts.

"Accordingly, I shall refuse at once all applications for the surrender of the party who killed Hsü A-man; which refusal involves the duty of instituting an examination of the facts by the agency of officers of the United States."<sup>43</sup>

§ 10. In opening the negotiations, Kiyong asked that Mr. Cushing should "present a project of such a treaty as would be satisfactory to the United States." To this request the envoy at once acceded, and presented a draft treaty which formed the basis of the subsequent discussions. In presenting the draft, Mr. Cushing declared the principles on which it had been prepared:

1°. "The United States is to treat with China on the basis of cordial friendship and firm peace."

2°. "We do not desire any portion of the territory of China, nor any terms and conditions whatever which shall be otherwise than just and honourable to China as well as to the United States."

3°. The American government would like perfect reciprocity in all commercial relations, involving no export duties; but accepted the plan arranged with the English, and would only "propose such articles as may

<sup>43</sup> Mr. Cushing to Mr. Forbes, June 22nd, 1844, *Chin. Rep.*, Nov. 1845. Cf. also Hinckley, "American Consular Jurisdiction in the Orient," chap. ii, *passim*.

procure to the citizens of the United States a free and secure commerce in the ports open to the nations of the West."

4°. The draft contained provisions differing from those of the British treaties; these were stated to be due to the possession of Hongkong by Great Britain.

5°. Finally he had "inserted a multitude of provisions in the interest and for the benefit of China."<sup>44</sup>

Accepting the fundamental fact that the Western world had come to the decision to tie the hands of China in their common relations, there is much truth in Mr. Cushing's claim that he proposed a treaty which, in its terms, was just and honourable to both sides. This was fully recognised by Kiyong, and the negotiations proceeded amicably; and, after no long delay, the treaty of Wanghia was signed on July 3rd, 1844. In transmitting it to Washington, Mr. Cushing claimed sixteen points of merit for his treaty, of which the most important were the following:

2°. The provision in the British treaties by which "the consul is security for the payment of duties, and is bound to prosecute for all infractions of the revenue laws of China," is not embodied in the treaty of Wanghia.

9°. "Citizens of the United States in China, and everything pertaining to them, are placed under special protection of the Chinese government, which engages to defend them from all insult and injury."

16°. "In regard to opium, which is not directly mentioned in the English treaties, it is provided by the treaty of Wanghia, that citizens of the United States engaged in this or any other contraband trade shall receive no protection from the American government, nor shall the flag of the United States be abusively employed by other nations, as a cover for the violation of the laws of China."<sup>45</sup>

He might have added, but did not, the stipulation, which became of great importance in the next decade, that the treaty might be revised after the lapse of twelve years, should "modifications appear to be requisite in those parts which relate to commerce and navigation."<sup>46</sup> This provision, also included in the French treaty,<sup>47</sup> became, under the most-favoured-nation clause,<sup>48</sup> the right of the English, and its disregard by the Chinese was, equally for all three, one of the principal causes leading to the second war.

<sup>44</sup> Mr. Cushing to Kiyong, June 21st, 1844, Chin. Rep., Aug. 1845.

<sup>45</sup> Mr. Cushing to Mr. Nelson, Sec. of State, July 5th, 1844, Chin. Rep., Dec. 1845.

<sup>46</sup> Am. tr. Wanghia, 1844, art. xxxiv.

<sup>47</sup> Fr. tr. Whampoa, 1844, art. xxxv.

<sup>48</sup> Brit. tr. Bogue, 1848, art. viii.

§ 11. The French government despatched Monsieur Théodose M. M. J. de Lagrené to negotiate a treaty with China; and, arriving at Macao on August 14th, 1844, he found that all was prepared, and that, subject to the necessity of waiting for instructions from the government at Peking, he had only to follow in the steps of his American colleague. His treaty conformed closely to the model of the American treaty, and was signed at Whampoa, on board the French corvette *Archimède*, on October 24th, 1844. In order to avoid any question of the relative status of an emperor and a king, his Majesty King Louis Philippe was designated, in the French as well as the Chinese text, "Sa Majesté l'Empereur des Français."<sup>49</sup> Among the provisions of the treaty, only two call for special notice. It was provided that, in the absence of a French consul, French merchants and ships were at liberty to seek the intervention of the consul of a friendly power,<sup>50</sup> thus emphasising the community of interest of the Western nations. In the article establishing extraterritoriality in criminal cases, the underlying principle was declared in the plainest possible terms:

"Il en sera de même en toute circonstance analogue et non prévue dans la présente convention, le principe étant que, pour la répression des crimes et délits commis par eux dans les cinq ports, les Français seront constamment régis par la loi française."<sup>51</sup>

§ 12. During the stay of M. de Lagrené at Canton<sup>52</sup> he obtained one concession of great importance for an interest which, for many centuries, has been the special care of the government of France, whether royal, imperial, or republican—the Roman Catholic missions for the propagation of the faith in foreign parts. That religion had been tolerated for more than a century in China, until, in 1724, the Emperor Yung-cheng decreed the expulsion of all priests of the alien cult, and the destruction or confiscation of their churches. M. de Lagrené

<sup>49</sup> Fr. tr. Whampoa, 1844, preamble, arts. i, iv, etc. <sup>50</sup> Il ne faudra jamais perdre de vue, que le Roi doit être désigné par les mêmes expressions que l'Empereur de Chine, savoir, Ta-huang-ti. . . . C'est un point délicat sur lequel M. Rouen et le ministère devront toujours avoir l'œil ouvert."—M. Guizot, instructions à M. F. Rouen, envoyé et chargé d'affaires du Roi en Chine, 15 avril, 1847. Cited by Cordier in "Toung-pao," ser. ii, vol. vii, no. 3.

<sup>51</sup> Fr. tr. Whampoa, 1844, art. iv.

<sup>52</sup> Ibid., art. xxvii.

<sup>53</sup> He remained from Aug. 14th, 1844, to Jan. 11th, 1846.

asked that these orders should be rescinded; and, on a memorial from Kiating, first was issued an Imperial rescript of December 28th, 1844, granting toleration to the religion of the Lord of Heaven,<sup>53</sup> and, on February 20th, 1846, a further Imperial decree ordered the restoration of church property which had been confiscated under the decree of Yungcheng.<sup>54</sup> These rights were obtained for the Roman Catholic missions; but, when the claims of other branches of the Christian faith were brought to the notice of Kiating, he issued a proclamation on December 22nd, 1845, declaring that "originally I did not know that there were, among the nations, these differences in their religious practices," and that all the Western nations were to be on the same footing as regards the exercise of their religion.<sup>55</sup>

§ 13. Belgium was the next of the Western powers fired with emulation to follow in the path of the English, and Monsieur Lannoy, consul-general for Belgium in Indo-China, was commissioned to proceed to Canton to negotiate a treaty. This he did not obtain, but Belgium was granted the right to trade under the procedure of the existing treaties, by an Imperial rescript, communicated to the envoy on July 25th, 1845, in an official despatch from Kiating, viceroy and High Commissioner, and Hwang, governor of Kwangtung.<sup>56</sup> The King of Sweden and Norway then appointed Carl Frederick Liljevalch his commissioner to China; and on March 20th, 1847, he and Kiating signed at Canton a treaty which followed closely the American treaty of Wanghia, including also the right of revision at the expiration of twelve years.<sup>57</sup> No treaties were concluded with others of the powers, except Russia, until after 1860, and during this period of the first treaty settlement, the ships and merchants of other commercial nations engaged in the trade of China on the same footing as Belgium, enjoying *sub silentio* the rights granted in the British, American, and French treaties.

§ 14. The treaty settlement being established, Kiating was confronted, at Peking and at Canton, by the same opposition of

<sup>53</sup> Cf. appendix W. The religion of the Lord of Heaven (tien-chu-kiao) is the distinctive term applied to the Roman Catholic faith; the Protestant churches are called the religion of Jesus (Yeh-su-kiao).

<sup>54</sup> Cf. appendix X.

<sup>55</sup> Williams, "Middle Kingdom," ii, p. 357.

<sup>56</sup> "Treaties," ii, p. 757.

<sup>57</sup> *Ibid.*, p. 799.

the war party which had so soon brought the downfall of Kishen ;<sup>58</sup> but, continuing to receive the support of the emperor and his ministers, he was enabled to hold his own at Canton, and carry out the stipulations of the treaties which he had signed. Against him was practically the whole empire. The Chinese, except for frontier regulations made with the Russians, had never been subjected to the give-and-take requirements of a treaty ; they knew nothing of international law or the rights of nations ; these treaties had been imposed upon them without their consent, and every one of their stipulations was deeply resented, even by those whose interests were not directly affected ; and at Canton, apart from the hostility of the people, there were few whom the treaties had not deprived of a share in a lucrative source of revenue, or of an interest in the abolished monopolies, or of the chances of picking up unconsidered trifles in the way of fees and perquisites. All these classes had an interest in obstructing the execution of the treaties, and at the outset there were many instances which showed a desire to obtain by interpretation what had been surrendered in the negotiation. Hongkong had been ceded for ever, "to be governed by such laws and regulations as her Majesty the Queen of Great Britain shall see fit to direct ;"<sup>59</sup> but in the first year after the cession an official came in an official vessel to levy taxes on the south side of the island, the side farthest from the seat of government and from the anchorage.<sup>60</sup> Kiying proposed, as an offset to the abolition of the Co-hong

<sup>58</sup> Cf. chap. x, § 20. "That Kiying may fall, and the pacific party be displaced, are not improbable events. Such fluctuations are common in the political world, and nowhere more so than in China. But, though the fall and displacement may be announced to-morrow, we now see no signs, we know of no facts, from which to predicate such an issue."—*Chin. Rep.*, Dec. 1844.

"At Peking almost every Chinese of rank and influence was opposed to the fulfilment of the stipulations of the treaty ; the negotiators of it shared in the odium of the cowardly generals who had deceived their sovereign by false representations."—J. F. Davis, "China since the Peace," ii, p. 21. "It was a most unfortunate circumstance for Kiying that Canton should have been selected for his place of residence and negotiation."—*Ibid.*, p. 113. "During a course of four years' intercourse and negotiation [as governor of Hongkong] I had a fair opportunity of forming an estimate of Kiying, and when he only occasionally betrayed that departure from conventional [i.e. treaty] stipulations which is the constant failing of most Chinese ministers, these instances might be attributed rather to the difficulties of his position than to the bias of his natural temper."—*Ibid.*, p. 112.

<sup>59</sup> *Brit. tr. Nanking*, 1842, art. iii.

<sup>60</sup> J. F. Davis, *op. cit.*, ii, p. 47.



monopoly, the licensing of one hundred merchants at Canton, to whom trade operations should be restricted—"as if the mere number was the point involved in the treaty, and not the principle."<sup>61</sup> In 1846 the authorities objected to a steamer plying with cargo between Hongkong and Canton, on the ground that steam vessels were not specifically mentioned in the treaty as carriers of cargo; but the objection was withdrawn, and an indemnity paid for the loss occasioned to her owners.<sup>62</sup>

§ 15. The tendency to evade the new obligations was more marked in matters which caused a money loss, either to the officials, or to the merchants whose monopoly had been abolished. It had been stipulated that the inland dues on foreign imports should not exceed the existing moderate rates; <sup>63</sup> and, applying the same principle, the Chinese authorities decreed that the inland dues levied on silk to any of the five ports should not fall below the rates previously collected in transit to Canton.<sup>64</sup> Indirect attempts were made to apply this rule to tea as well, but in regard to silk there was no relaxation of the rule; and silk from the producing district carried less than a hundred miles to Shanghai was, "before export permit would be granted, required to produce a certificate of payment of inland transit dues"; <sup>65</sup> and the amount of these dues was regulated by the amount which would have been leviable by the many taxing stations strung along the several hundred miles of the route to Canton. It was sought to apply this rule to tea, but this was successfully resisted,<sup>66</sup> or, more probably, evaded. The mer-

<sup>61</sup> J. F. Davis, *op. cit.*, ii, p. 49.

<sup>62</sup> *Ibid.*, p. 127.

<sup>63</sup> Cf. chap. xi, § 16.

<sup>64</sup> "The five ports being now open, merchants will go with raw silk to the nearest market; but, in whatsoever port they sell their cargo, they must make up the loss in the transit dues, which would have been paid under the former procedure if they had gone to Canton."—*Imp. Decree*, Sept. 14th, 1843, in *Chin. Rep.*, Dec. 1843.

<sup>65</sup> Rules of Shanghai custom-house; notification of British consul, Sept. 7th, 1850, "acknowledging their conformity with existing treaties and the obligation of all British subjects duly to observe them."—*North-China Herald*, Sept. 14th, 1850.

<sup>66</sup> "To all this must be added the already betrayed desire of the Chinese government to confine the foreign trade, as much as possible, to the extreme verge of the empire, Canton. This does not appear in open acts, but in secret endeavours to render the transit of merchandise to the new ports difficult and expensive, so cunningly contrived as to render either discovery or complaint difficult."—J. F. Davis, "China since the Peace," ii, p. 102.

"... and it would frustrate the attempts of the Chinese government to force teas to Canton, instead of the new and contiguous ports, by means which necessarily enhance their price."—*Ibid.*, p. 111.

chants of Canton made many attempts to retain some of their privileges, and, in abandoning the form of the Co-hong, to preserve the principle. As late as June 9th, 1850, they are found obtaining the consent of the authorities to the establishment of a tea warehouse, to which all tea arriving for a market must be taken, with charges of Tl. 0.50 a picul collected on sales, and a tax of Tl. 0.20 for the provincial treasury. This was "so avowedly an attempt to contravene the treaty of Nanking" that resistance was offered to the "attempt of the Canton authorities to revive the old Consou fund, which, with the accompanying regulations, would be a virtual re-establishment of the Hong monopoly";<sup>67</sup> and the project was shelved.

§ 16. In one respect, while unaccustomed to treaties, the Chinese showed themselves adepts in negotiation, the stipulations designed to regulate the trade of Hongkong<sup>68</sup> allowing them to throttle effectually the prosperity of the nascent colony. The rules provided that Chinese vessels trading to Hongkong must first obtain a pass or port clearance from the custom-house at one of the five ports;<sup>69</sup> that an English officer at Hongkong should examine the registers and passes of such Chinese vessels, and that a vessel without such documents "from one of the five ports is to be considered as an unauthorised or smuggling vessel, and is not to be allowed to trade";<sup>70</sup> and that monthly reports of arrivals and departures were to be exchanged between the authorities of the two countries, in order that the system might not be used to cloak clandestine and illegal trade.<sup>71</sup> This was quite in accordance with Lord Palmerston's instructions, which, indeed, would have allowed the plenipotentiary to go further, and admit the Chinese revenue officer to Hongkong soil, even to the extent of permitting him to tax for China the trade between Hongkong and Chinese ports;<sup>72</sup> and Sir H. Pottinger informed the merchants of Hongkong that the purpose of the colony was to serve as a bonded warehouse for the storage of British goods until they could find their Chinese market.<sup>73</sup> There was at that time no intention in the British government to drive an entering wedge into the Chinese fiscal frontier; and it lay with

<sup>67</sup> North-China Herald, Aug. 10th, 1850.

<sup>68</sup> Cf. chap. xi, § 17; Brit. tr. Bogue, 1843, arts. xiii-xvi.

<sup>69</sup> Brit. tr. Bogue, 1843, art. xiii.

<sup>70</sup> Ibid., art. xiv.

<sup>71</sup> Ibid., art. xvi.

<sup>72</sup> Cf. appendix K.

<sup>73</sup> Chin. Rep., Jan. 1843.

the Chinese authorities, under the provisions of the treaty of the Bogue, to control smuggling from Hongkong as effectually as they did from Macao, where they had a custom-house in full operation. They used the rules, however, to check all trade with Hongkong; applying the closest of interpretation, they restricted the Hongkong trade to the five ports only; and, having the power to issue the pass, they exercised the power of refusing it even for those ports; while the co-operation of the Hongkong authorities which was provided served to strengthen their hands in the course they adopted. In the British treaties, among many conditions imposed on the Chinese, there were two requirements imposed by themselves on the English. The consuls were to aid the Chinese authorities in enforcing the revenue laws—this duty was undertaken by none other of the powers, and ultimately it had to be dropped by the English; the regulations affecting the trade of Hongkong were designed to diminish the fiscal evils of its geographical position—these were utilised by the Chinese in such a way as to excite the attention of the Hongkong community, and, though remaining the law until 1858, they were never enforced.<sup>74</sup>

§ 17. The stipulations operating against the Chinese were more strictly enforced, and in carrying them out Kiyong showed a punctilious regard for the obligations which China had accepted. The island of Kulangsu, in the harbour of Amoy, was occupied to form, with Chusan, the pledge for the payment of the indemnities; and when, on the payment of the fifth instalment, in January 1845, Kiyong was informed that this island would be evacuated in advance of the fixed date, Chusan only being retained, he expressed the wish that its occupation should be continued, "so tenacious was he of the mere letter of our conventions."<sup>75</sup> The treaty of the Bogue provided that, in the case of Chinese debtors absconding from Hongkong, "it will be the duty of Chinese authorities to do their utmost to see justice done between the parties."<sup>76</sup> In commenting on cases under this article, the governor of Hongkong records: "I have always endeavoured to prove to Kiyong that, while it was my duty to protect the rights of British subjects, it was equally incumbent

<sup>74</sup> For the point of view of the Hongkong community, cf. Eitel, "Hist. Hongkong," pp. 197-202.

<sup>75</sup> J. F. Davis, "China since the Peace," ii, p. 122.

<sup>76</sup> Brit. tr. Bogue, 1843, art. xv.

on my office to provide reparation for the wrongs they might inflict on the natives of the country; and it must be confessed that he was in general far from remiss in the reciprocation of these principles."<sup>77</sup> The same governor, Sir John Davis,<sup>78</sup> passes on him this high encomium: "Kiying was by far the most elevated in rank, as well as the most estimable in character, of any persons with whom the representatives of European states in China had ever come in contact."<sup>79</sup> Occupying this high plane, Kiying had a difficult course to steer, through the introduction of the new system of the treaties, through the opposition of those whose interests were adversely affected by that system, and through the marks of hostility of the Canton people, which will be considered later.<sup>80</sup> In February 1848 he was ordered to Peking, Hsü Kwang-tsin, the governor, being appointed acting viceroy, and Yeh Ming-chin, the Fantai, becoming acting governor;<sup>81</sup> but in November he was appointed President of the Board of War and assistant Minister of the Inner Council,<sup>82</sup> and continued to enjoy the favour of his sovereign until the death of Taokwang on February 25th, 1850.<sup>83</sup> At the end of that year, the princeling who had then become emperor, under the title of Hienfeng, degraded the two ministers who had been the most trusted advisers of his father—Muchangah, who might be called Prime Minister, and Kiying<sup>84</sup>; but the reasons for the decision were obscure.<sup>85</sup>

§ 18. As has been seen,<sup>86</sup> Macao was Chinese soil, on which the Portuguese enjoyed practically the same privileges and

<sup>77</sup> J. F. Davis, *op. cit.*, ii, p. 134.

<sup>78</sup> He was created Baronet on July 18th, 1845.

<sup>79</sup> J. F. Davis, *op. cit.*, ii, p. 112.

<sup>80</sup> Cf. chap. xiv.

<sup>81</sup> *Ohin. Rep.*, Feb. 1848.

<sup>82</sup> *Ibid.*, Dec. 1849.

<sup>83</sup> *Ibid.*, March 1850.

<sup>84</sup> "Yet, when we think of Muchangah, that he has been an old servant of the Crown, under three successive reigns, we cannot endure the thought of bringing merited punishment upon him all at once. We, therefore, command that the sentence be commuted for the more lenient penalty of deprivation of all official rank, and that henceforth he no longer be employed in the service of the State. And as to Kiying, although he is destitute of all strength and firmness, yet he has been to some extent the creature of circumstances; we command, therefore, that leniency be shown him likewise, and that he be degraded to the fifth rank, to await employment in one of the six Boards."—Imperial Decree, Dec. 1st, 1850, *North-China Herald*, Jan. 18th, 1851.

<sup>85</sup> *Chin. Rep.*, Jan. 1851.

<sup>86</sup> Cf. chap. iii, §§ 4-6.

immunities as are enjoyed in the present day by the foreign community of Shanghai; and in the very first ordinance which was passed by the governor and legislative council of Hongkong, under the authority of the act for the government of British subjects in China, Macao was declared to be "a place within the dominions of the emperor of China."<sup>87</sup> The court of Lisbon protested against this, but the plain answer was given that "two independent sovereignties could not exist in the same place, and the Portuguese had avowed their inability to afford protection to British subjects when it was most needed at Macao."<sup>88</sup> Hongkong, with its free-port policy fully established, was found to be cutting into the profits of Macao, in which Chinese fiscal and other control was installed, and, by degrees, Macao was losing the advantage it had formerly enjoyed from providing an abiding-place for the foreign merchants; though the full extent of the commercial change was not manifested until the destruction of the Canton factories in December-1856. The Portuguese government now decided to make Macao also a free port; and, on March 5th, 1849,<sup>89</sup> the governor of Macao, João Maria Ferreira do Amaral, issued a proclamation by which, premising that "the Portuguese custom-house having consequently been closed, it cannot possibly be allowed that a foreign custom-house should continue open," he declared no duties were to be collected in Macao, and ordered the Hoppo's offices to be closed.<sup>90</sup> On the 8th he wrote in the same sense to the viceroy, Hsü Kwang-tsin, offering to make a convention regulating the trade between Macao and Chinese ports, but no reply is known to have been returned.

§ 19. The Chinese authorities might reasonably suppose that this was only the first step towards a declaration of complete independence, and that the closing of the Hoppo's offices might well be followed by the expulsion of the magistrate (tsotang) and the Künmin-fu from the territory they were supposed to administer, the denunciation of the annual rental for the "use" of Macao, and—final act of sovereignty—the levying

<sup>87</sup> J. F. Davis, *op. cit.*, ii, p. 46.

<sup>88</sup> *Ibid.* Cf. chap. ix, §§ 31, 32; chap. x, § 3.

<sup>89</sup> While the English were fighting a losing battle, and the attention of the officials and people of Canton was absorbed, over the question of the right of entry to the city of Canton. Cf. chap. xiv, §§ 26, 27.

<sup>90</sup> Chin. Rep., Oct. 1849.

of land tax from the Chinese inhabitants. England had obtained Hongkong, and the commercial privileges granted by the treaties, at the cost of a long and expensive war, in which the might of China was brought to the dust; the power of the American republic and of France, which had also obtained privileges, was fully recognised; but it appeared to the Chinese that Portugal was not entitled to claim any exceptional privileges. She was creeping in under the aegis of the greater powers, as so many of the minor powers have done since then, and was claiming, because of the prestige of others, concessions which China would not have granted, even to the greater powers, except from the actual or potential display of predominating force. Kiyong had gone to Peking, however, and there was no statesmanship left at Canton; and, instead of boldly resisting this act of aggression, or calling in the aid of diplomacy and the intervention of other and friendly powers, the Canton authorities either encouraged, or, at the least, permitted, the use of subterranean methods to defeat the purpose of the Portuguese. It must be remembered, however, that the rules of international law were new to them; and, throughout the latter half of the nineteenth century, instances were common where Chinese officials were timid in claiming even their undoubted rights, lest they might unwittingly infringe some of the rules of the new method.

§ 20. The Chinese custom-houses were removed from Macao and established at Whampoa; and, presumably under secret pressure, the Chinese merchants, with their families, assistants, and employes, also removed from Macao to Whampoa, and "the desolate streets and empty harbour showed the extent of the removals."<sup>91</sup> Governor Amaral thereupon, on April 25th, issued a proclamation to "the Chinese inhabitants of Macao and its suburbs as far as the Barrier, who may possess landed property, that if they remove without a previous licence from the Procurador's office, their property will be immediately taken possession of by the government as abandoned."<sup>92</sup> This did not prevent the most substantial traders from going, while it irritated the inhabitants and landholders. They combined, as is their wont, and, by the hands of others or themselves, executed

<sup>91</sup> Chin. Rep., Oct. 1849.

<sup>92</sup> Ibid.

their murderous designs, and washed away their injuries in the blood of their enemy.<sup>93</sup>

§ 21. On August 22nd, as Governor Amaral was out riding near the Barrier, he was met by some boys, who struck his horse with bamboos.<sup>94</sup> He was then attacked with bamboos by eight men, who afterwards drew swords from their sleeves, and struck with them at the governor. Unarmed, and having no right hand, he could make no resistance, was dragged from his horse, his body was hacked to pieces, and his head and only hand were cut off and carried away. His aide-de-camp, Senhor Leite, was thrown under his horse, and received two sword-cuts on his head, but was not otherwise attacked. The Macao authorities sent at once to the Chinese officer at Casa Branca to demand the return of the governor's head, but received no answer; and on the 25th a force of a hundred and twenty Portuguese soldiers marched out and took possession of the Barrier and the Chinese fort guarding it.<sup>95</sup> On the 24th, Governor Bonham, who had succeeded Sir John Davis in March 1848, sent two British men-of-war to Macao, "to show the Chinese authorities that the British government fully sympathises with that of her most faithful Majesty on this distressing occasion";<sup>96</sup> and he joined with the American commissioner, Mr. John W. Davis, and the French envoy, Baron Forth-Rouen, in a protest to the Canton viceroy against the atrocity. Meantime, Governor Amaral's body lay unburied in his palace, waiting until his head and hand could be joined to it; and the Chinese, whose superstitious fears were excited, declared that his spectre was often seen riding up and down the Isthmus at dusk, looking after his head, and none dared go home through the Barrier after nightfall.

§ 22. In answer to renewed applications, Viceroy Hsü finally, on September 16th, wrote to the Council of Macao stating that the assassin, one Shen Ki-liang, had been discovered and duly tried, and had been decapitated on the preceding day; and that Governor Amaral's head and hand had been found, and

<sup>93</sup> Editorial comment, Chin. Rep., Oct. 1849.

<sup>94</sup> Presumably, in this case, hollow batons of bamboo, some 5 or 6 feet long and 2 inches in diameter.

<sup>95</sup> Chin. Rep., Aug. 1849.

<sup>96</sup> Gov. Bonham to Govt. of Macao, Chin. Rep., Oct. 1849.

were now sent to the Council.<sup>97</sup> They were not sent, however, and, after further correspondence, it was arranged that the relics should be given up on the 27th; and on that day the deputation which went to receive them was informed that they would be surrendered only in exchange for the persons of three Chinese who were held in custody by the Macao authorities, as being implicated in the murder. Matters were now at a deadlock, and remained in that state for three months; until finally, on December 24th, the Council sent the three prisoners to the viceroy, together with the depositions in the case, "in order that they may be tried according to law, and, in sending these three prisoners, they hold your Excellency answerable for them; and again require from your Excellency the capture of the assassins and their accomplices, and also insist that the proceedings, until the criminals are duly tried here, follow the course prescribed in justice and law; and they protest against any acts of a contrary nature, and further renew all their former protests."<sup>98</sup> The head and hand, well preserved and easily identified, of the murdered governor were placed in the coffin with his body on January 16th, 1850.<sup>99</sup>

§ 23. China had lost Hongkong through the fortune of war; she had lost the control over the Chinese trade with Hongkong through the short-sighted folly of her officials; and now she lost her sovereignty over Macao through an atrocity which, whether instigated by the officials, as was generally suspected at the time, or the spontaneous act of the people, was such as to alienate the sympathy and support of the other Western nations having relations with the Chinese government. The usurpation of sovereignty was not recognised by China then, nor for many years after, and was finally admitted only in the treaty of 1887.

<sup>97</sup> Chin. Rep., Oct. 1849.

<sup>98</sup> Council of Govt. of Macao to Viceroy Hsi, Dec. 24th, 1849, Chin. Rep., Jan. 1850.

<sup>99</sup> A fatality seemed to attend the Portuguese after this. The new governor, Captain P. A. da Cunha, succeeding Governor Amaral, arrived at Macao on June 2nd, 1850, and died July 6th of cholera, after eight hours' illness.—Chin. Rep., July 1850. On Oct. 29th, 1850, the Portuguese frigate *Dofia Maria II* was blown up while at anchor in Macao harbour, and two hundred of the crew lost their lives.—Chin. Rep., Dec. 1850.



## CHAPTER XIII

### THE TREATY PORTS

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§ 1. THE opening of the "treaty ports" under the treaty of Nanking was in the days of slow communications, when foresight and intelligent thought were required of the merchant, and when supplies were ordered for a future market, and not to meet an existing demand. The trading of the East India Company had been done in ships, large for the time, of 1000 to 1300 tons burden, heavy and slow, and making a leisurely journey in a year. When the company's monopoly came to an end in 1834, these ships were replaced by others of what was then found a more economic size, from 300 to 400 tons, which was in general the tonnage of their American competitors ; and this continued to be the usual size until the day of the tea clippers, which

were from 700 to 1000 tons.<sup>1</sup> In this free competition the Americans, with their inventiveness and their fine sailorly qualities, forged into a foremost place, until in 1852 no less than 47 per cent. of all the foreign shipping cleared from the port of Shanghai was under the American flag.<sup>2</sup> Two years before that, however, the British shipowners had been deprived of the crutches of the navigation laws, and in a few years they recovered their old-time primacy, the foreign tonnage clear<sup>3</sup> from the port of Shanghai in 1858 being British 50, American 25, and other flags 25 per cent.<sup>3</sup> In the 'forties the ruling rates for tea and silk to London were £5 a ton;<sup>4</sup> in 1850 the ordinary rates were £4 for tea and £4 10s. for silk;<sup>5</sup> in January 1854 the freight on tea was exceptionally quoted at £7;<sup>6</sup> but the rates generally ranged around £4 a ton.

§ 2. Sir H. Pottinger came to Macao by steamer<sup>7</sup> in 1841, and Major Malcolm took the treaty of Nanking to England by steamer in 1842, both by the "overland" route by Suez, both events being noted as being of exceptional interest. In 1845 the Peninsular and Oriental Steam Navigation Company<sup>8</sup> adopted this route for a fast monthly service from Southampton to Hongkong, by which the rates of passage were £200 for one person occupying one berth between the terminal ports, and the freight was £25 a ton on silk<sup>9</sup>—there was no room even for tea, which, moreover, could not stand the freight. A small wooden paddle steamer, the *Lady Mary Wood*, of 553 tons gross, was put on the line from Hongkong to Shanghai in March 1850, connecting with the monthly mail at Hongkong; but, on her departure from Shanghai on January 5th, 1851, the company

<sup>1</sup> For an interesting, but all too brief, account of the shipping engaged in the China trade, see Michie, "The Englishman in China," i, chap. xii.

<sup>2</sup> North-China Herald, Oct. 9th, 1852. The figures for the year ending Sept. 30th, 1853, were, British 103 ships of 38,420 tons, American 66 of 36,532 tons, all others 18 of 3213 tons.

<sup>3</sup> North-China Herald, April 30th, 1859. The figures for the year ending Dec. 31st, 1858, were, British 174 ships of 77,496 tons, American 56 of 38,270 tons, all others 148 of 39,029 tons. In 1858 the record for sailing ships was 96 days from Foochow and 115 days from Shanghai to London.

<sup>4</sup> Michie, op. cit., i, p. 234.

<sup>5</sup> North-China Herald, Sept. 14th, 1850.

<sup>6</sup> Ibid., Jan. 21st, 1854.

<sup>7</sup> Cf. chap. x, n. 150.

<sup>8</sup> Hereinafter referred to as the "P. & O.," by which name it is held in the memory of all old China residents.

<sup>9</sup> Chin. Rep., Dec. 1846; Morrison, "Commercial Guide" (1848), p. 305. Contract signed Dec. 26th, 1844.

announced that it was her last trip, unless the Shanghai community gave a subsidy, since there was not sufficient inducement for steam shipping at the port.<sup>10</sup> The company persevered, however, without a local subsidy; and as late as 1857 were able to obtain for the *Lady Mary Wood* and the steamers connecting with her, the following rates between Shanghai and Southampton: passage, \$700 (£235) for a berth, and \$1200 (£400) for a reserved cabin; freight, outward £36, homeward \$100 (£38 10s.) a ton; specie  $2\frac{1}{2}$  per cent.; parcels, homeward \$5.04 (£1 13s. 9d.), outward £1 1s. a cubic foot.<sup>11</sup>

§ 3. Postal facilities were non-existent in the early days, each writer or recipient of a letter being dependent on the ships of his own firm, or the courtesy of others. Letters came, of course, by every ship for all persons; but those addressed to persons not in the firm were commonly delivered only after the departure—a month, or two, or even three months, later—of the ship which brought them, lest news of commercial value should be brought to the detriment of the firm to which the ship was consigned. To have exclusive news for a few days, or even a few hours, had a high money value, which could not be carelessly risked from a mere desire to be obliging.<sup>12</sup> On his arrival in Canton in 1834 Lord Napier organised a British post-office, working without fee or postage; and on April 15th, 1842, Sir H. Pottinger notified the opening of the post-office at Hongkong, but “for the present no charge of any description is to be made on letters or parcels.”<sup>13</sup> When the P. & O. organised its steam-packet service the rates of postage charged were as follows: to England 1s., to the United States 2s., to Singapore 1s., per  $\frac{1}{2}$  oz.; to France 1s. per  $\frac{1}{2}$  oz., and 10d. added for each  $\frac{1}{4}$  oz., making 2s. 8d. for a letter under  $\frac{1}{2}$  oz.; newspapers to England and France were free, and to the United States were charged at letter rates.<sup>14</sup> In October 1852 the

<sup>10</sup> North-China Herald, Jan. 11th, 1851. Steamers entered, coast and foreign, at Shanghai during the year 1907 numbered 11,127 of 8,280,517 tons register.

<sup>11</sup> Shanghai Almanac, 1857. The average exchange at Shanghai in that year was 6s. 9d. per dollar. In that year the treasure imported at Shanghai, by P. & O. steamer only, amounted to \$20,400,000, on which the freight was \$510,000; and the export \$1,500,000, freight \$45,000.

<sup>12</sup> Hunter, “Fankwaë,” p. 98. “Anonymous opium clipper arrived from Bombay with only owner’s despatches. Beast!”—Admiral Keppel’s diary for 1843.

<sup>13</sup> Chin. Rep., April 1842. <sup>14</sup> Morrison, “Commercial Guide” (1848), p. 304.

postage to the United States, Atlantic coast, was reduced to 1s. 8d. per  $\frac{1}{2}$  oz., the rates to Canada being 2s. 2d., and to California 3s. 4d.<sup>15</sup> From May 1854 postage to England was put at 6d. per  $\frac{1}{2}$  oz. direct, with surcharge of 5d. per  $\frac{1}{4}$  oz. via Marseilles.<sup>16</sup> In 1857 the postage to Singapore was 8d. per  $\frac{1}{2}$  oz.; via Southampton to England 6d., to the United States 1s. 2d., to the continent of Europe 6d. per  $\frac{1}{2}$  oz., prepayment optional; via Marseilles there was a surcharge of 5d. per  $\frac{1}{4}$  oz., prepayment optional, and to the continent of Europe a charge of 1s. per  $\frac{1}{4}$  oz., prepayment compulsory; newspapers to France free, to England 1d. each, to the United States at letter rates.<sup>17</sup> In 1861 the service, from being monthly, was made fortnightly, and the postage to England was increased to 1s. per  $\frac{1}{2}$  oz. via Southampton, with a surcharge of 3d. per  $\frac{1}{4}$  oz. via Marseilles.<sup>18</sup> Captain Elliot's despatches on important events in 1839 took from five to seven months to reach London; in 1844 the average of the times taken by the thirteen mails to reach Hongkong was 84 days,<sup>19</sup> by the steam communication of later years 5 days being added to Shanghai. On August 10th, 1850, with steam communication right through to Shanghai, the latest mail advices which had been received at Shanghai were 78 days from London, 95 days from New York, and 15 days from Hongkong;<sup>20</sup> on April 2nd, 1859, they were 66 days from London, 84 days from New York, and 14 days from Hongkong;<sup>21</sup> and on April 9th, 1859, they were 59 days from London, 70 from New York, and 9 from Hongkong.<sup>22</sup>

§ 4. These were the conditions, as to communication with their own world, under which the merchants of the West proceeded to develop the trade of China in the freedom allowed them by the treaties. In 1834 they had been freed from the shackles imposed on the English merchants by the monopoly of the East India Company, and in 1842 the burden of the Chinese monopoly was removed, and they received the right to

<sup>15</sup> North-China Herald, Nov. 13th, 1852.

<sup>16</sup> P.O. notification, Hongkong, April 17th, in North-China Herald, May 13th, 1854.

<sup>17</sup> Shanghai Almanac, 1857.

<sup>18</sup> North-China Herald, Oct. 5th, 1861.

<sup>19</sup> China Mail (Hongkong), Feb. 22nd, 1845.

<sup>20</sup> North-China Herald, Aug. 10th, 1850.

<sup>21</sup> Ibid., April 2nd, 1859.

<sup>22</sup> Ibid., April 9th, 1859. The usual time for mails now (1910) is 32 days Shanghai to London by Suez Canal, and 16 days by the Siberian Railway.

trade without restriction at five ports instead of at Canton alone. From 1832 to 1837 their numbers increased from 137 to 307, excluding all permanent residents at Macao, and including only adult male civilians, both in these figures and in those given later. The troubles reduced their number to 230 in 1841, but a year later they were 259, of whom 147 were English in 24 firms, 48 Parsees and others from British India in 4 firms, and 49 Americans in 11 firms; in another year, in 1843, the total was 352. The opening of the new ports and the rise of Hongkong gave a great impetus to trade, and in 1850 there were 994 adult male civilians in China (not including Macao), of whom 404 were at Hongkong, 362 at Canton, 29 at Amoy, 10 at Foochow, 19 at Ningpo, and 141 at Shanghai. In 1855 the total was 1038, not far different from the total of 1850; and the port figures were only slightly changed, except that Shanghai had increased at the cost of Hongkong and Canton, with 377 at Hongkong, 334 at Canton, 31 at Amoy, 28 at Foochow, 25 at Ningpo, and 243 at Shanghai. In 1859 the total was 2148, of whom 1462 were at Hongkong, 127 at Canton (the factories had been destroyed in December 1856), 45 at Amoy, 57 at Foochow, 49 at Ningpo, and 408 at Shanghai. In 1855 there were at Hongkong and the five treaty ports 219 firms, counting separately all branches and agencies; of these 111 were English, 45 Parsee and other Indian, 23 American, 7 German, 6 Portuguese (not including those at Macao), 5 Swiss (for the industry in watches), 6 French, 2 Dutch, 3 Danish, and 2 Peruvian. The great operations of commerce were almost entirely in English and American hands during the period of unsettlement, 1842-1860, except that the French firms had some hold on the silk trade, and the Germans were then laying the foundations of the miscellaneous trade which they have since done so much to develop. The Parsees and other Indians were either connected with the opium trade, or dealt in household supplies.<sup>23</sup>

§ 5. Shanghai was opened to foreign trade by a notification of the British consul, Captain G. Butler,<sup>24</sup> of November 17th, 1843; the first American consul was Mr. Henry G. Wolcott,<sup>25</sup>

<sup>23</sup> Figures compiled from directories and calendars.

<sup>24</sup> Afterwards General Sir George Butler; died in 1894.

<sup>25</sup> A merchant, of the firm of Russell & Co.—Obituary in North-China Herald, Aug. 21st, 1852.

who was there in 1843, the first official consul being Mr. Robert C. Murphy, who arrived in Shanghai February 15th, 1854;<sup>26</sup> and the first French consul was Monsieur L. C. N. M. de Montigny, who was appointed January 20th, 1847.<sup>27</sup> The other powers were all represented by "merchant consuls" until after 1860; as late as 1857 Portugal, Holland, Hamburg, Lübeck and Bremen, Prussia, Denmark, and Siam were represented by English merchants, Spain by a Portuguese, and Sweden and Norway by an American;<sup>28</sup> even in 1867 only two of these, Prussia and Spain, had been removed to the official list.<sup>29</sup> Between the city walls and the river there were suburbs, as always in a Chinese city, but the space was restricted and offered no accommodation; and the area afterwards occupied by the foreign settlements was waste land without houses. The question of "entry to the city," which became so vital at Canton, did not, therefore, come up at Shanghai, and consul, merchants, and missionaries all rented houses within the walls. But, as the Chinese did not insist on excluding the foreigners from the city, they in turn did not insist on remaining amid the unsavoury sights and smells within, and through the British consul obtained the right of acquiring land outside the walls on which to build. He first rented ground, with an area of 23 acres, for a consulate, the site of the present British consulate being included therein; and by an agreement between himself and the Taotai,<sup>30</sup> signed November 29th, 1845, the land bounded on the north by the Soochow Creek, on the south by the Yangkingpang, and on the east by the harbour (the Hwangpu River), while the western boundary was not determined, was set aside as the area within which British subjects were permitted to acquire land by individual agreement with the Chinese owners. By an agreement dated September 24th, 1846, the western boundary was put at the "Barrier Road" (the present Honan Road), enclosing an area of about 180 acres; and, by a later agreement made by the succeeding

<sup>26</sup> North-China Herald, Feb. 18th, 1854.

<sup>27</sup> H. Cordier, "Première Légation de France en Chine" (1847), extrait du *Toung-pao*, ii, vii, no. 3.

<sup>28</sup> Shanghai Almanac, 1857.

<sup>29</sup> "Treaty Ports of China and Japan," by Mayers, Dennys, and King, p. 380.

<sup>30</sup> The Taotai of the Circuit comprising the three prefectures of Soochow, Sungkiang, and Taichow was formerly stationed at Soochow, but since 1843 has been at the officially unimportant hien city of Shanghai.

consul, Mr. Rutherford Alcock, November 27th, 1848, it was carried to the Defence Creek, thus increasing the area to 470 acres,<sup>31</sup> the addition being intended primarily for purposes of recreation. It was an established principle with the English that, though they had been compelled to engage in hostilities with China, they claimed no exclusive privileges; and this "English Settlement" was, from the beginning, open to all. In December 1848 the then American consul, Mr. John N. A. Griswold,<sup>32</sup> on the arrival of his commission from Washington, raised the American flag over his house, as being the official residence of the consul, within the area of the English settlement.<sup>33</sup> The British consul protested to the Taotai against the raising of any other national flag than the British within that area; and both Taotai and consul sent their official protests to the American consul. The right to have the flag was, however, maintained as a protest against the "principle of exclusive privilege and exclusive rights,"<sup>34</sup> the alternative being a separate concession for each of the nations which might come to have relations with China; and the peculiar international status of Shanghai was determined from that day.<sup>35</sup>

§ 6. An area for a French settlement was delimited under an agreement of April 6th, 1849, between the French consul, M. de Montigny, and the Taotai. It was bounded on the south by the north side of the city; on the north by the Yangking-pang, a creek separating it from the English settlement; on the east by the Hwangpu; and on the west by the line of the "temple of the God of War and the bridge of the Chow family." By acts of successive usurpation, connected with the defence of Shanghai from rebels, this area was extended to the south by the inclusion of the suburbs between the city wall and the river as far as the Little East Gate, and to the west as far as the line of the Defence Creek, bringing the total area to nearly 200 acres. This settlement has always been known, not as "*établissement français*," but as "*concession française*";

<sup>31</sup> North-China Herald, Jan. 17th, 1852; Land Regulations of 1854. For areas: North-China Herald, Feb. 28th, 1852; Municipal Map of 1904.

<sup>32</sup> A merchant, of the firm of Russell & Co.; in 1908 still living at Newport, R.I., U.S.A.

<sup>33</sup> On the band, south of the Foochow Road; the site occupied in 1908 by the old, directly behind the new, building of the telegraph cable companies.

<sup>34</sup> Cf. Brit. tr. Bogue, 1843, art. viii.

<sup>35</sup> Chin. Rep., June 1849.

and attempts were made from the beginning to place it on the same footing as the "concessions"<sup>36</sup> of the period 1858-1863. The agreement of April 1849 provided that, "should persons of other nations wish to acquire land and build within the above limits, they must first apply to the French consul, who will take the matter into consideration and act on their behalf."<sup>37</sup> The same rule had been inserted in the agreement for the English settlement, but it had not been acted on; in practice the protection of, for example, the American consulate was given as much for the land as for the goods of the American citizen, even though the land was situated on the English settlement. Upon the publication of the agreement for delimiting the French settlement, the British and American consuls both protested against the clause quoted above; and they informed their nationals that the protection of their consulate would be given to their land wherever situated.<sup>38</sup> The title to land in the French settlement has, accordingly, from that day to this, been registered in the consulate of the owner's nationality, and not necessarily in that of France.<sup>39</sup>

§ 7. The American settlement was not created, but "just grewed." Of the three American interests, the merchants continued, as at Canton, to cast in their lot with the English, and resorted to the English settlement; but the graving and

<sup>36</sup> Concessions in this sense, distinguished from settlements, exist at Newchwang, Tientsin, Hankow, Kinkiang, Chinkiang, and Canton.

<sup>37</sup> Chin. Rep., June 1849.

<sup>38</sup> Ibid.

<sup>39</sup> "To American Citizens resident at Shanghai.

"UNITED STATES CONSULATE, SHANGHAI,

"March 16th, 1852.

"The undersigned deems it proper to inform his countrymen, as there seems to be some misapprehension upon the point, that any purchases of land within Shanghai or in its neighbourhood effected according to the terms of the Treaty can be settled, and confirmed with the Chinese officers through this Consulate, without the intervention in any manner of any other foreign authority. The right has been uniformly maintained by the United States Authorities, has been acted upon by Mr. Consul Griswold, and in a recent correspondence with H.E. the Taotai, has been fully acknowledged by him.

"EDW. CUNNINGHAM,

"Acting Vice-Consul, U.S.A."

—North-China Herald, March 20th, 1852.

At the end of 1855, there were 243 lots measuring 1829 mow (305 acres) registered at the British consulate, and 65 lots measuring 456 mow (76 acres) at the American consulate.—North-China Herald, Dec. 1st, 1855, and May 17th, 1856.



repairing docks found their requirements best met on "the Hongkew side," across the Soochow Creek and down-river from the merchants' quarter; and the Missions, while maintaining their chapels within the city walls, were forced to the outskirts of the settlement for the cheap land they needed for residences, and the American (Episcopal) Church Mission, under Bishop William J. Boone, went in 1848 to Hongkew. On the arrival of the first official consul of the United States in February 1854, he made his residence and raised his flag on the American settlement, on the western side of the Hongkew Creek, where it empties into the Hwangpu; but this settlement remained without organisation or policing until after the great influx of refugees fleeing from the Taiping rebels; and its boundaries even were not delimited until its amalgamation with the English settlement.

§ 8. For the lands within all the settlements an annual ground rent, in lieu of land tax, of 1500 cash (about \$1.25) a mow (\$7.50 an acre) was reserved to the Chinese government.<sup>40</sup> The land was not bought, but is held on perpetual lease, with no rent, but for a capital and final payment; in the English settlement it was agreed that, for the original acts of expropriation from the Chinese, the capital sum so paid should be at least ten times the reserved annual rent, or, in the alternative, should be about, but not less than, \$40 a mow (\$240 an acre).<sup>41</sup> It was at once found that the British consul had no power to enforce the levy of taxes on those of other nationality, while some taxation was needed, at least to make and maintain roads and jetties; and, in 1845, the first land regulations were agreed to between the Taotai and the British consul, under which certain defined powers were granted to the foreign residents, by the officials representing respectively the national authority over the soil and the extraterritorial authority over the contributor. These regulations prescribed the method of acquiring title to land, indicated the roads to be maintained, fixed the government ground rent, etc., etc.; and in art. xii recognised the duty of foreign land-renters<sup>42</sup> to "build and repair the bridges, main-

<sup>40</sup> Land Regulations, 1845, art. viii.

<sup>41</sup> *Ibid.*, art. vii; North-China Herald, Feb. 8th, 1851. This was full value for the land at the time. In the period 1904-1908, bund lots have been sold at the rate of Tls. 120,000 (\$160,000) a mow.

<sup>42</sup> Q.v. landlord or landowner.

tain and cleanse the streets, put up and light the street lamps, establish fire engines, plant trees to protect the roads, open ditches to drain off the water, and hire watchmen."<sup>43</sup> This was the modest beginning of the composite international republic of Shanghai. Under these regulations three land-renters were elected to serve as a "Committee of Roads and Jetties," and an annual meeting was held under the chairmanship of the British consul. Even this simple government was not carried on without some friction, as is shown by the annual meeting held on August 2nd, 1850. The accounts then presented showed an expenditure on jetties amounting to \$6976, and on roads \$1865, a total of \$8841, with a balance in hand of \$2006.<sup>44</sup> This expenditure had been met by assessments on lots. These the missionaries objected to pay, since the jetties were used solely for commerce, in which they had no concern, and the roads did not go to their houses in the outskirts; the owners of private jetties,<sup>45</sup> constructed at their own cost and sufficient for their own needs, also objected to pay for the public jetties. It was finally decided to collect wharfage dues on all goods landed or shipped, whether over public or private jetties, thereby meeting the grievance of the missionaries.<sup>46</sup> At the annual meeting held May 25th, 1852, several debatable points were settled by resolution.<sup>47</sup> The absolute autonomy of the community, within their restricted limits, was affirmed by the declaration that "the action of the body of land-renters with reference to roads and jetties is governed by mutual agreement, and not by any law." It was further resolved that "all holders of land within the English limits may specially appoint an attorney to act for them in their absence; and, when duly empowered, that the said attorney shall have a vote on behalf of the proprietor at all public meetings; and further, that one person may act as the

<sup>43</sup> Land Reg., 1845, in North-China Herald, Jan. 17th, 1852. The roads to be maintained were (art. iii): One north of the custom house (Custom House, now Hankow Road).

One upon the old Rope Walk (Foochow Road).

One south of the four-lot ground (Canton Road).

One south of the consulate ground (Consulate, now Peking Road).

<sup>44</sup> The financial statement for 1907 showed ordinary expenditure of Tls. 1,611,038 and extraordinary expenditure of Tls. 823,907, a total of Tls. 2,434,945 (\$3,246,593).

<sup>45</sup> Riparian land-renters, the more important firms.

<sup>46</sup> North-China Herald, Aug. 10th, 1850.

<sup>47</sup> Ibid., May 29th, 1852.

attorney for several renters, and be entitled to a vote for each proprietor he may be duly empowered to represent." This resolution initiated in Shanghai the system of proxy voting for absentee owners, a practice which to-day (1910) exists in that alone among the democratic communities of the world. Another resolution—"that a majority of foreign land-renters, at a meeting duly convened, has power to enforce the payment of all rates, wharfage dues, etc.," and that recovery of taxes due should be enforced—was a sign of weakness of the existing system of government, and indicated the urgent need of setting up a stronger administration.

§ 9. This need, and the new conditions created by the occupation of the city of Shanghai by rebel forces (September 7th, 1853, to February 17th, 1855), led to the adoption of a "new code of municipal and land regulations" governing the foreign community. These, duly approved by the Taotai on the one side, and on the other by the consuls of the three treaty powers, England, America, and France, were published by a notification<sup>48</sup> of the three consuls dated July 5th, 1854, which also convened a public meeting for the purpose of passing the accounts, appointing a new committee, "and generally, for taking into consideration the present condition of the foreign settlement in respect to the large Chinese population recently located within the limits; and the best means of providing for its future security, order, and cleanliness." Of these land regulations,<sup>49</sup> the greater number merely re-enacted the provisions of the regulations of 1845, except that it was clearly laid down that, for the acquisition and registration of land, the land-renter "must first apply to the consul of his nation, or, if none be appointed, to the consul of any friendly power";<sup>50</sup> but one article, amplified in future years, laid the foundation of the existing autonomous government of the International Settlement of Shanghai, though at the time it applied only to the international community then occupying the English settlement, viz.:

"x. *Roads and Jetties, Assessment on Land and Wharfage.*—It being expedient and necessary that some provision should be made for the

<sup>48</sup> North-China Herald, July 8th, 1854.

<sup>49</sup> Published in North-China Herald, Aug. 27th, 1853, and July 8th, 1854.

<sup>50</sup> Shanghai Land Reg., 1854, art. ii.

making of roads, building public jetties and bridges and keeping them in repair, cleansing, lighting, and draining the settlement generally, and establishing a watch or police force, the foreign Consuls aforesaid shall at the beginning of each year convene a meeting of the renters of land within the said limits, to devise means of raising the requisite funds for these purposes; and at such meeting it shall be competent to the said renters to declare an Assessment in the form of a rate to be made on the said land or buildings, and in the form of wharfage dues on all goods landed at any place within the said limits; and to appoint a Committee of three or more persons to levy the said rates and dues and apply the funds so realised to the purposes aforesaid, or in such a manner as may be agreed and determined upon at the said meeting; and to that end the said Committee shall be empowered to sue all defaulters in the consular courts under whose jurisdiction these may be; and in case any one or more of the said defaulters have no consular representative at Shanghai, then the Intendant of Circuit (Taotai) shall, upon application of the Road Committee transmitted through the foreign consuls, recover from such defaulters the amounts due from them of land assessment or wharfage dues, and pay the same to the said Committee; moreover, at such yearly meeting the accounts of the Committee for the past year shall be laid before the assembled renters for their approval and sanction. It shall also be competent for the foreign Consuls, collectively or singly, when it may appear to them needful, or at the requisition of the renters of land, to call a public meeting at any time, giving ten days' notice of the same, setting forth the business upon which it is convened, for the consideration of any matter or thing connected with the land; provided always such requisition shall be signed by not less than five of the said renters, and that it set forth satisfactory ground for such request. The resolution passed by a majority at any such public meetings on all such matters aforesaid shall be valid and binding upon the whole of the renters of land within the said limits if not less than one-third of them are present. The senior Consul present at such meeting shall take the Chair, and in the absence of a Consul, then such renter as the majority of voters present may nominate. If renters of land in public meeting assembled, as herein provided, decide upon any matter of a municipal nature, not already enumerated, and affecting the general interests, such decision shall first be reported by the Chairman to the Consuls, for their joint concurrence and approval, without which approval officially given, such resolution cannot become valid and binding upon the renters as a body."

Other articles gave the consuls (of the three powers) control over the sale of spirits and liquors,<sup>51</sup> and over Chinese places of entertainment,<sup>52</sup> and imposed on them the duty of punishing breaches of the regulations.<sup>53</sup>

§ 10. By this tenth article the government having authority over the soil, and the governments having authority over the persons and property of the foreigners, delegated to those

<sup>51</sup> Shanghai Land Reg., 1854, art. xii

<sup>52</sup> Ibid., art. viii.

<sup>53</sup> Ibid., art. xiii.

foreigners the highest power in all government, that of taxing and policing their own community, and this laid the foundation of their authority in their own affairs. Their authority over the Chinese living within the settlement limits was forced upon them by imperative necessity. The regulations of 1845 prohibited the "native inhabitants" from selling or renting land or houses to other Chinese,<sup>54</sup> and prohibited the foreigners from "building houses for renting to, or for the use of Chinese."<sup>55</sup> These restrictions were omitted from the regulations of 1854, and, in fact, their enforcement was no longer within the power either of governments or of individuals. When the rebels took the city of Shanghai, the foreign settlement became neutral ground;<sup>56</sup> and, with the Yangtze basin devastated by the Taipings, and the country to the south of Shanghai ravaged by various rebel bodies, thousands of fugitives fled for protection to this haven of refuge. Matters were allowed to drift during the actual occupation of Shanghai city; but on February 24th, 1855, a week after the evacuation of the city, it was agreed between the Taotai and the treaty power consuls that: "Whereas, no Chinese subject can acquire land, or rent, or erect buildings within the foreign settlement, without having first obtained an authority under official seal from the local authority, sanctioned by the consuls of the three Treaty Powers, it has been decided that the following course shall be observed by any Chinese desiring to rent ground or houses within the said limits." The Chinese subject was to apply through his landlord to the landlord's consul, provide as sureties two wealthy householders, and enter into an undertaking that "he will conform strictly to the land regulations, and contribute his share to any general assessments."<sup>57</sup> As the franchise of the settlements was exercised by nearly all foreigners, having at a general meeting of November 10th, 1854, been

<sup>54</sup> Shanghai Land Reg., 1845, art. xv. The holding up of undeveloped land was guarded against by the provision in art. xv, that "after land had been settled for, the failure to build houses suitable for residence and storage of goods thereon will be a contravention of the treaty, and the local authorities and consul conjointly will take such land and allot it to some other party to rent."

<sup>55</sup> Shanghai Land Reg., 1854, art. xvi.

<sup>56</sup> Cf. chap. xvi, § 15; chap. xviii, §§ 3-7.

<sup>57</sup> North-China Herald, March 24th, 1855.

extended to ratepayers,<sup>58</sup> by this condition the foreigners imposed taxation on the Chinese residents, but did not give them a vote.<sup>59</sup>

§ 11. A year after the port was declared open, there were eleven firms, English and American, represented at Shanghai by 23 men, 2 Protestant missionaries, both English, and 1 official consul, the British, all occupying premises rented within the city.<sup>60</sup> In 1847 the residents numbered 108, of whom 87 were English (10 married), 4 Parsee, and 17 American (3 married).<sup>61</sup> In 1850 there were two official consulates, British and French (the United States being still represented by a merchant), with a staff of 6 in the two; the mercantile body numbered 119; there were 5 practising physicians; and the Protestant missionaries numbered 17. Fourteen of the 130 laymen, and 16 of the 17 missionaries, were married.<sup>62</sup> With few exceptions these all lived within the limits of the English settlement, between the Honan Road and the river, except that the missionaries maintained their stations inside the city, while the American Church Mission had broken ground in Hongkew. In 1855, after the adoption of the land regulations of 1854, and at the close of the rebel occupation of the city, the total number of foreign residents had increased to

<sup>58</sup> North-China Herald, Nov. 11th, 1854. This meeting approved the first budget of the new municipality:

#### ESTIMATED RECEIPTS

Chinese rents	8 per cent.								\$5,400
Foreign "	3 "	"	"	"	"	"	"	"	8,000
Land assessment	$\frac{1}{2}$ "	"	"	"	"	"	"	"	2,000
Wharfage dues									14,600
									<u>\$25,000</u>

#### ESTIMATED EXPENDITURE

Police, pay									\$15,000
" expenses									5,600
Roads and jetties									4,200
Street lighting									200
									<u>\$25,000</u>

<sup>59</sup> The development of Shanghai under the conditions created by the rebellion will be considered in a later chapter.

<sup>60</sup> Milne, "Life in China," p. 370.

<sup>61</sup> Chin. Rep., Aug. 1847.

<sup>62</sup> North-China Herald, Aug. 3rd, 1850. In 1846 there were three English and five American missionaries at Shanghai.—Chin. Rep., Feb. 1846.

a total of 243, including 30 Protestant missionaries (9 British and 21 American).<sup>63</sup>

§ 12. The conditions of life at Shanghai were far more agreeable than at Canton. Ample space was provided for the amenities of life, with no restriction to factories, and with full freedom to go into the country round about. The stipulation of the treaties,<sup>64</sup> that foreigners should not go into the country beyond short distances, to be settled by mutual agreement between the local authorities and the consuls, was interpreted at Shanghai in the most liberal sense; and, on the initiative of the British consul, the radius for excursions was fixed at the distance to which, in that level country intersected by canals, it was possible for the traveller to go and return within a day. In later years this was fixed at a conventional distance of thirty miles.<sup>65</sup> The foreign merchant at Canton could leave the restricted limits of the factories only by running the gauntlet of constant insult, and could go into the country, for even a short distance, only at the risk of assault and possible injury; at Shanghai, outer barbarian though he was, he could take a health- (or fever-) giving walk every day of his life with no risk to his limbs or his feelings, and, with his gun and his "smell-dog," could bag a pheasant within an hour's walk, or a snipe within ten minutes. The missionary no longer, as at Canton, took his life in his hand when he ventured to explain the message he brought to his Chinese brother; and in 1855 we find that, in a total of eighty-five Protestant missionaries in Hongkong and the five ports, thirty-four were in Shanghai.<sup>66</sup> This freedom of circulation created a feeling of great friendliness, with both the officials and the people of the district; and this feeling endured through all the years of rebellion and disorder.

§ 13. Under these conditions trade thrived, and the merchants of the West had at last entered into the field of golden

<sup>63</sup> Ang.-Chin. Calendar, 1855.

<sup>64</sup> Brit. tr. Bogue, 1843, art. vi; Am. tr. Wanghia, 1844, art. xvii; Fr. tr. Whampoa, 1844, art. xxiii.

<sup>65</sup> J. F. Davis, "China since the Peace," ii, p. 63; Michie, "The Englishman in China," i, p. 126.

<sup>66</sup> Ang.-Chin. Cal., 1855. The actual figures are: Hongkong, 10; Canton, 11; Amoy, 6; Foochow, 7; Ningpo, 17 (including 3 single women); Shanghai, 34 (including 4 single women). Except for the 7 single women, these figures include only the male heads of families.

harvest for which they had looked as the result of the abolition of monopoly, first that of the East India Company, then of the Co-hong of Canton. In the first year after the port was open, 1844, a total of 44 foreign ships, of 8584 tons, entered. In 1849 a total of 133 ships (52,574 tons) entered the port, of which 94 (38,875 tons) were British, 25 (10,252 tons) American, and 14 (3447 tons) under other foreign flags. In the year ending September 30th, 1852, the entries were 182 ships, of 78,165 tons, viz. British 103 (38,420 tons), American 66 (36,532 tons), and 13 (3213 tons) under other flags; the size of the ships indicated that the American "tea clipper" had come, but not yet the British. In 1855 the total was 437 ships (157,191 tons), viz. British 249 (75,131 tons), American 96 (56,792 tons), and 36 (22,957 tons) under other flags. The money value of the trade shows, at the outset, no great expansion.<sup>67</sup> The imports, which in 1846 were valued at \$5,117,625, were valued in 1849 at \$5,804,793, and the exports, \$7,329,410 in 1846, were valued at \$8,403,149 in 1849; but for the year 1853 the imports by British vessels alone were valued at \$4,645,000, while the value of the exports for all flags was \$23,913,480 (viz. British \$14,445,300, American \$8,444,530, and other flags, \$1,023,650). It must be said, however, that the imports do not include opium, and for exports it is to be noted that the smuggling of silk gradually assumed large dimensions, whilst the statistics of both imports and exports are based on voluntary declarations by the merchants. After 1850 we have a more trustworthy index in the statements of duty collected, as shown in the following figures:

	IMPORT DUTY.	EXPORT DUTY.	TOTAL <sup>68</sup> .
	\$	\$	\$
1851 <sup>69</sup> . . .	—	—	1,372,053
1852 <sup>69</sup> . . .	—	—	1,412,993
1853 <sup>70</sup> . . .	—	—	548,732
1854 <sup>71</sup> . . .	33,487	941,760	995,551
1855 <sup>71</sup> . . .	199,264	2,002,597	2,270,884

<sup>67</sup> These figures were based entirely on voluntary declarations by the merchants to their consuls, and can be taken as only approximately correct.

<sup>68</sup> Includes also tonnage dues.

<sup>69</sup> British and American ships only.

<sup>70</sup> American ships only; on the basis of the values, the total collection was probably about \$1,750,000.

<sup>71</sup> By all ships.



§ 14. The best gauge of the trade of Shanghai is found in what, in the period we are now considering, 1843-1855, were the principal staples—opium among imports, and tea and silk among exports. From 1839 on until its legalisation in 1858, the opium trade was covered by a veil of secrecy; but at Shanghai the conditions were such that only a decent cloak of concealment was called for, and, from point to point, we can obtain an occasional fact to show the course of the trade carried on from the receiving ships at Wusung. In 1847 there were imported at Shanghai 16,500 chests valued at \$8,349,440; in 1848 the import was 16,960 chests valued at \$11,801,295; in 1849 it was 22,981 chests valued at \$13,404,230. These last figures were fully maintained; and in 1853, with an import of 22,900 chests, the deliveries from receiving ships were 24,200 chests, reducing the stocks from 3100 chests on January 1st to 1800 chests on December 31st. Many of the tea-producing districts were separated from Canton by long distances, while the Shanghai market was within easy reach of many districts. The effect of opening the port to foreign trade was seen at once, and became more marked year by year. From a seventh (in 1846) the Shanghai contribution to the total China export rapidly rose to a third (in 1851), and to considerably over a half in the years immediately following; and, even after the shipments from Foochow came into the calculation, the Shanghai share in the trade was never much below a half.

In the case of silk, the effect of loosing the bond which tied the trade to Canton was even more marked. The largest, and in those days almost the entire, quantity, and by far the finest quality, of Chinese silk is produced in a district but little over a hundred miles in length, at the north-east extremity of which lies Shanghai; and to this port the product flowed, even though there was no gain in inland taxation. Shanghai at once took its rightful place as the silk market of China, and in no long time supplied nearly the whole of the Western demand; while the proximity to the producing district, and the disturbances arising from the rebellion, increased the quantities coming for the export market. In the company's days the shipments of China silk were under 6000 bales a year; in the first years of the free trade the average was close on 12,500 bales; then came the reduced export of the years in which so valuable a

product shrank timidly from so dangerous a market as Canton; but with the opening of Shanghai the export increased by bounds to 15,000 bales, to 30,000 bales, to 60,000 bales, and in one year, 1857, to more than 80,000 bales, valued at \$21,700,000.<sup>72</sup>

§ 15. Of Ningpo great hopes were entertained, based upon its past history as a factory for the Portuguese and early English trade,<sup>73</sup> but they were destined to disappointment. The port was officially opened on the arrival of a British consul in December 1843; and though, had the trade developed, an area would doubtless have been set aside for the exclusive residence of foreigners, as at Shanghai, in fact nothing was done except to indicate an area within which foreigners might live. This was on the same side of the main river as the Chinese city, but separated from it by a branch stream of considerable size; and here all interested in the trade of the port, Chinese and foreign alike, opened their offices. In 1850 the adult males numbered 19; and in 1855 they were 22 in number, of whom 14 (4 English and 10 American) were missionaries, 5 merchants, and 3 in the British consulate.<sup>74</sup> Ningpo, in fact, "afforded a promising sphere of quiet missionary work among a superior population, in one of the finest and largest cities of the empire, without the deteriorating influences of an extensive trade with foreigners."<sup>75</sup> The direct foreign trade was practically non-existent. In the first year, 1844, the total value amounted to \$500,000; but this was not maintained, and five years later amounted to less than one-tenth of that sum.<sup>76</sup> There was, in fact, no foreign trade; the silks of Chekiang, disregarding the

<sup>72</sup> The information on trade has been culled from so many and such diverse sources that it has been found impossible to cite the numerous authorities for the statements made; but every effort has been made to strike the just balance amidst many contradictory statements, and to clear up the confusion caused by statistical years ending sometimes in March, sometimes in June, and sometimes in December. The year has been taken as that in which the last month falls.

<sup>73</sup> Cf. chap. iii, §§ 2, 14; chap. iv, § 6.

<sup>74</sup> Among the last was Mr. Robert Hart, assistant in the consular service, who had come there from Hongkong in September 1854. In the Shanghai subscription list to the Patriotic Fund (Crimean war) we find, "Ningpo: R. Hart, Esq., assistant-interpreter, \$25." (North-China Herald, March 17th, 1855.) No small contribution from the *res angusta* of a young assistant on a salary of £200 a year in those days of reckless expenditure.

<sup>75</sup> G. Smith, "Consular Cities of China," p. 176.

<sup>76</sup> J. F. Davis, "China since the Peace," ii, p. 100; Chin. Rep., Oct. 1850.

political boundary, took the easy water route to their natural market of Shanghai; and the teas, crossing the mountains to Ningpo, remained in Chinese hands, and were obtainable by foreigners only by permission of the gilds—after reaching Shanghai. There was even a proposal to exchange Ningpo for some other port; but Sir J. F. Davis, the superintendent of British trade, “expressed himself, for various reasons, disinclined to the measure of entirely abandoning Ningpo,”<sup>77</sup> and it remained as a typical example of the “outport,” with its trade altogether in Chinese hands, and subsidiary to its emporium, Shanghai.

§ 16. Foochow, at first, developed a foreign trade even more slowly than Ningpo. It was first opened by the arrival of a British consul in June 1844. In 1850 its foreign population was 10, of whom 7 (1 English and 6 Americans) were missionaries; in 1855 for the first time trade made a start, and in that year there were no less than 28 foreigners resident in the port, 17 of them merchants. In the first year of the port’s history no foreign ship entered; in the second year, 1845, there were 765 tons of shipping entered, doing a trade of \$375,000; but in the third and fourth years there were again no ships. After the peace, inquiry began to be made into the commercial value of the new ports; and on the subject of Foochow there was no hesitation. It was valueless and must be given up—“this last (Foochow) must be acknowledged to have proved a decided failure after more than seven years’ trial,” and “there we could lose little, and might gain something in its place”;<sup>78</sup> and the suggested substitute was Wenchow.<sup>79</sup> Later, in 1850, Mr. Bonham proposed to exchange Foochow and Ningpo for the three “inland” ports of Hangchow, Soochow, and Chinkiang, and this proposal was approved, provided the exchange could be effected by diplomacy, without a display of force;<sup>80</sup> as late as

<sup>77</sup> J. F. Davis, *op. cit.*, ii, p. 104.

<sup>78</sup> *Ibid.*, pp. 34, 104.

<sup>79</sup> Gross trade of the two ports in 1907:

		Tls.	Tls.
Foochow:	Foreign trade . . . .	13,360,701	
	Coasting trade . . . .	12,226,925	25,587,626
Wenchow:	Foreign trade . . . .	29,080	
	Coasting trade . . . .	2,043,973	2,073,053

<sup>80</sup> Mr. Bonham to Lord Palmerston, April 15th, 1850; Lord Palmerston to Mr. Bonham, Sept. 3rd, 1850, in Public Record Office.

May 1853 the abandonment of the port was seriously contemplated.<sup>81</sup> Though the port was not given up, the tea from the interior went to the markets where buyers were established, and refused to seek a hypothetical market; and for ten years there was no trade. In 1853 an American firm sent buyers inland to obtain teas for the 1854 season, the incipient rebellion having shut off the Bohea teas from the route to Shanghai.<sup>82</sup> They were successful, and the venture was repeated by others in the following year, and Foochow had found its own. In 1855 no less than 15,739,700 lb. of tea were shipped to a foreign market by the five firms (3 English, 2 American) engaged in the enterprise; in 1856 the amount was swollen to 40,972,600 lb., and the average of the three years following was 35,476,900 lb.

§ 17. At Foochow the question of entrance to the city was first fought out. The first British consul, Mr. G. Tradescant Lay,<sup>83</sup> adopted the policy of conciliating the feelings of the Chinese, officials and people, in every way, going so far as to refrain from hoisting the national flag over his consulate, lest thereby offence should be given; and, when it was raised, it was in a Chinese fashion, such as to make it seem half-masted.<sup>84</sup> This policy did not obtain the success it deserved. The viceroy, Liu Yun-ko, had "figured during the war as the declared enemy of foreigners,"<sup>85</sup> and, being Chinese, he was by no means inclined to second the new peace policy of the Manchu court, and had shown his hostility from the opening of the port;<sup>86</sup> Foochow is a Manchu garrison city, and the Manchu bowmen were certain to resent the disgrace cast upon their arms; and the native turbulence of the men of Fukien is second only to that of the Cantonese. Owing to these causes the consul "has been located in a miserable house built on piles on a mud flat, apart from the city . . . and all efforts to obtain even decent accommodation in the city, where he is entitled to demand it, or in any but this pestilent locality, have been in vain."<sup>87</sup> Four months after

<sup>81</sup> Cf. appendix Q.

<sup>82</sup> North-China Herald, Feb. 18th 1854.

<sup>83</sup> Father of Horatio Nelson Lay.

<sup>84</sup> "It was with no small surprise that he heard Mr. Lay say: 'Nothing [no-one is dead]; but I hoist the flag so, because it is the wish of the Chinese.' He thinks the people adore him."—H. S. Parkes to Mr. Lockwood, March 1st, 1845, in Lane-Poole, "Life of Sir Harry Parkes," i, p. 82.

<sup>85</sup> J. F. Davis, op. cit., ii, p. 51.

<sup>86</sup> Ibid., p. 115.

<sup>87</sup> The Times correspondent, Hongkong, Oct. 22nd, 1844, in Michie, "The Englishman in China," i, p. 118.

Mr. Lay's arrival, the plenipotentiary, Mr. Davis, visited Foochow, and was so discontented with "the very miserable dwelling in which her Majesty's consul was compelled to lodge," that he declined to receive visits from the Chinese officials at the consulate, but compelled them to come on board the frigate in which he was making his tour.<sup>83</sup> Mr. Davis stiffened the back of his consul; informed Kiyung that he could not accept the hostility of the people as an excuse for any failure in the respect due to a British official; threatened to withdraw the consul altogether, as a protest against the implied inequality of treatment; and, at the end of February 1845, was able to "report to the Foreign Office that the long discussion of four months had terminated in every point at issue being conceded, and in a very amicable manner."<sup>89</sup> In this way premises were secured for a consulate inside the city, high up and airy, spacious and dignified; there the inmates of the consulate were virtually prisoners, unable to leave without risk of hustling and insult,<sup>90</sup> and three miles from the river side, where the trade must be carried on; but "Mr. Alcock discovered that he had not to maintain, but to regain, the prestige which had already been lost at Foochow,"<sup>91</sup> and this could not have been done without an assertion of the dignity of his official position. For the merchants no area was ever set aside for their exclusive use, and they settled on the south side of the river, in Nantai, on much the same terms as at Ningpo; and here, too, the consulate was established as soon as the results of the second war diminished the value of the right of entry to the city, and made it a barren and uncomfortable privilege.

§ 18. Amoy, on the infertile island of the same name, depends for its prosperity solely on the external trade with Formosa, through the Spaniards with the Philippines, and with the islands of the Southern Sea; in the seventeenth and eighteenth centuries it was a centre of the Dutch and English trade.<sup>92</sup> The treaty port was opened by the arrival of the British consul in June 1844, and the question of commodious and fitting pro-

<sup>83</sup> Lane-Poole, *op. cit.*, i, p. 84.

<sup>89</sup> J. F. Davis, *op. cit.*, ii, p. 117; Michie, *op. cit.*, i, p. 119.

<sup>90</sup> Lane-Poole, *op. cit.*, i, p. 108.

<sup>91</sup> Michie, *op. cit.*, i, p. 118. Mr. Alcock, the new consul, arrived at Foochow in March 1845.

<sup>92</sup> Cf. chap. iii, §§ 10, 13, 14,

vision for the consulate was raised here as at Foochow, and the two were settled concurrently.<sup>93</sup> The consul's residence was established on the island of Kulangsu; but, as there were no officials of high standing at Amoy, the right of entry to the city seemed less important, and the offices were in the business quarter, outside the city. Here, too, were the offices of the merchants, but, for the most part, they too lived on Kulangsu, which thus, without special grant, became the foreign residential quarter. At the outset there was a greater prospect of trade at Amoy than at either Foochow or Ningpo, and the foreign residents in 1850 numbered 29 adult males; in 1855, in a total of 34, there were 5 connected with the British consulate, 22 merchants (all British), and 7 missionaries (4 English and 3 American). Trade developed on a sound basis, but without the help of tea, the export being chiefly sugar; but the imports (opium being always excluded from these statistics) always exceeded the exports. Thus in 1844, the first year of the open port, the trade in British ships was, imports \$372,272, and exports \$58,209; and in 1852 the value was, imports \$1,933,500, exports \$268,500. The principal export from Amoy to redress this inequality of trade has always been human labour, which for centuries has gone to the Philippines and the Malay archipelago, while Formosa has been colonised from Amoy and its vicinity within the past two centuries. The first despatch of coolies by foreign ship was on March 7th, 1847, when "between 400 and 450 emigrant coolies" sailed to Havana in the British ship *Duke of Argyle*; "going thither as free labourers."<sup>94</sup>

§ 19. Canton entered on its treaty port stage in 1843, Mr. Francis C. Macgregor being the first British consul, Comte de Ratti-Menton French consul, and Mr. Paul S. Forbes (of Russell & Co.) American (merchant) consul. The mercantile spirit of Canton was vigorous, among Chinese and foreigners alike; and, though Shanghai drew off much of the trade which had previously gone to Canton, much still was retained. Silk from the Shanghai country gravitated naturally to Shanghai; the Bohea teas and those from Chekiang and Anhwei found there a nearer market, but those from Kiangsi probably, and certainly those from Hupeh and Hunan (called in the tea trade to this day by their old Cantonese names of Oopack and Oonam)

<sup>93</sup> J. F. Davis, op. cit., ii, pp. 51, 114.

<sup>94</sup> Chin. Rep., April 1847.

continued for a time to seek the old Canton market over the easy Chiling and Meiling passes. In imports the demand continued unabated, and the new ports only created new markets and caused no diminution of the Canton trade, though, owing to the facilities which had already been discovered for smuggling from Hongkong, the statistics show some abatement. The trade in British vessels for the four years 1844-1847 averaged per annum, imports \$11,190,750, exports \$16,671,825; and for the four years 1849-1852, imports \$9,039,000, exports \$10,631,000. This was, however, a marked decrease from 1837, when, excluding, as usual, opium and treasure, the imports by British ships were valued at \$14,958,485 and the exports at \$25,339,284, the latter made up chiefly by tea and silk. In 1837, excluding opium and treasure, the value of the trade of Canton under all flags was: imports \$18,539,777, to which raw cotton contributed \$8,225,513, while cotton piece goods were only making a beginning; and exports \$36,075,260, to which tea contributed \$22,007,410, raw silk \$8,154,766, and woven silk \$3,051,205. In 1846<sup>55</sup> the Canton trade under all flags was: imports \$13,294,898, including raw cotton \$5,095,407 and cotton piece goods \$2,678,189; exports \$22,917,406, including tea \$17,199,374, raw silk \$1,412,550 and woven silks \$1,353,640. In the import trade the relatively enormous trade<sup>56</sup> in foreign cotton manufactures had made a good start; but the import of raw cotton from India still continued for some years, the following being the figures of the Canton import for the years 1841-1849:

	lb.	
1841 . . .	69,084,500	
1842 . . .	106,700,500	
1843 . . .	119,768,500	(including 2,218,000 lb. from U.S.A.)
1844 . . .	114,068,500	" 1,154,000 lb. " "
1845 . . .	77,379,500	" 1,901,000 lb. " "
1846 . . .	76,933,000	" 228,300 lb. " "
1847 . . .	62,733,700	
1848 . . .	38,173,300	
1849 . . .	64,278,500	

<sup>55</sup> In July 1845 the ship *Lenox* arrived at Hongkong with the first cargo of ice from Boston.—Olin. Rep., July 1845. This initiated a profitable trade in Wenham ice from Salem, and Spot Pond and Cochituate ice from Boston, to the storage-house in Ice-house Street in Hongkong, which continued until the introduction of machine ice.

<sup>56</sup> In the year 1906 to a total import trade of Tls. 410,000,000 opium contributed less than 8 per cent., cotton manufactures 38 per cent., woollens 1 per cent., metals 4 per cent., and other commodities 49 per cent.

For the year 1846, the trade of Canton was distributed under the different flags as follows :

FLAG.	SHIPS.	TONNAGE.	IMPORTS.	EXPORTS.
British .	207	88,880	\$9,997,583	\$15,378,560
American .	65	29,688	1,609,404	6,207,378
French .	2	505	18,184	100,561
Dutch .	7	2,302	110,351	679,006
Belgian .	1	300	13,340	9,314
Danish .	1	305	41,687	15,934
Swedish .	3	945	41,255	265,362
German .	{ Hamburg 3 Bremen 3 Prussian 1 }	1,380	93,094	261,291
TOTAL .	293	124,305	13,294,898	22,917,406

An increasing number of foreign residents conducted the trade of the port, rising from 256 in 1845 to 324 in 1855, the last number including no more than 11 missionaries (4 English, 7 American). These all continued to live in the old factories, in which three new hong's were added to the old thirteen;<sup>97</sup> and, crowded in these, they were subjected to much insult and many injuries, while entry to the city of Canton was barred to consul, merchant, and missionary alike.

<sup>97</sup> "The condition of the foreign residences in Canton will soon, very likely, become a subject of discussion. Notwithstanding the great increase in the number of residents, the houses remain almost as limited as they were fifty or a hundred years ago; and some of those recently built are in such condition as to render them exceedingly unhealthy and unsafe. We have not space now for details, farther than to notice the fall of one on the morning of the 30th ult., which buried in its ruins several workmen, of whom five at least were killed and several others wounded."—Chin. Rep., May 1846.



TABLE F  
EXPORT OF TEA AND SILK, 1843-1860

YEAR. (June 30.)	TEA.				SILK		
	CANTON.*		FOOCHOW, (Year: Dec. 31.)	SHANGHAI	CANTON.*	SHANGHAI.	Total.
	To ENGLAND.	Total.					
Average.	lb.	lb.	lb.	lb.	Bales.	Bales.	
1830-1833 . . .	—	51,311,000	—	—	5,434	—	Bales,
1834-1837 . . .	—	58,981,000	—	—	12,497	—	5,434
1838-1842 . . .	—	42,353,000	—	—	3,190	—	12,497
1843 . . .	17,727,750	(17,727,750)	—	—	1,787	—	3,190
1844 . . .	49,457,250	69,327,500	—	1,149,000	2,604	—	1,787
1845 . . .	49,769,250	76,393,000	—	3,801,000	6,787	—	2,604
1846 . . .	47,488,500	71,556,000	—	12,460,000	3,554	6,433	13,220
1847 . . .	45,246,750	64,192,500	—	12,460,000	1,200	15,192	18,746
1848 . . .	46,290,167	60,243,000	—	15,711,000	—	21,176	22,376
1849 . . .	34,797,500	(64,677,500)	—	18,303,000	—	18,194	(18,228)
1850 . . .	40,100,000	(55,067,400)	—	22,363,000	1,061	15,237	16,298
1851 . . .	42,204,000	(62,468,100)	—	36,722,500	4,305	17,243	21,548
1852 . . .	35,617,250	(36,127,100)	—	57,675,000	2,409	20,631	23,040
1853 . . .	29,700,000	(31,795,000)	—	69,431,000	3,549	41,293	31,925
1854 . . .	48,200,000	(59,025,100)	—	50,344,000	4,577	58,319	62,896
1855 . . .	16,700,000	(16,700,000)	15,739,700	80,221,000	†	54,233	—
1856 . . .	30,404,400	(30,404,400)	40,972,000	59,300,000	†	56,211	—
1857 . . .	19,638,300	(19,638,300)	31,882,800	40,914,400	†	79,196	—
1858 . . .	24,398,800	(24,293,800)	27,953,600	51,317,000	†	59,386	—
1859 . . .	25,184,800	(25,184,800)	46,594,400	59,135,000	†	85,970	—
1860 . . .	27,924,300	(27,924,300)	(40,000,000)	53,463,800	†	67,874	—

Figures in parentheses contain an element of approximation and of incompleteness, or are based on data insufficient and unsatisfactory.

\* Including shipments of Canton produce from Hongkong.

† Shipments from Hongkong of Canton and of Shanghai provenance inextricably mixed.

## CHAPTER XIV

### CHINESE HOSTILITY AND THE RIGHT OF ENTRY TO THE CITY OF CANTON

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§ 1. THE imperial government had been pleased, under strong compulsion, to make a treaty of peace, but the losing side

pleased better the people of Canton. They remained implacably hostile, and in nothing was this more manifested than in the continued restriction of the foreign merchants to the old factory limits. The foreigners of Shanghai, while still less than a hundred in number, obtained for their residence an area of 180 acres, subsequently extended to 470 acres, within the English settlement, without taking the French and American settlements into account; thrice that number of foreigners at Canton were restricted to an area of about 21 acres, of which, in the end, nearly 17 acres were covered by houses, and the only additional accommodation provided was by the erection of three new hong, added to the thirteen existing. This was no mere happening; the Cantonese were determined that foreigners should obtain no further visible privileges, and that they must be contented with the trading facilities they had obtained. Many tried to escape from their confined and unwholesome surroundings, but every effort was at once met by determined resistance from the Chinese in the vicinity, and became the occasion for the issue of inflammatory placards.<sup>1</sup> In June 1846 the merchants addressed the British consul, protesting against the unremedied continuance of the "disgusting state" of the gardens, their sole ordinary place of recreation, but without avail.<sup>2</sup> In September 1848 a missionary, Mr. J. F. Cleland, rented a house in the suburbs close to the factories; a public meeting of his neighbours compelled his landlord to eject him, and to undertake "never again to let his house to foreigners"; and an appeal to the viceroy was ineffectual.<sup>3</sup> Dr. Benjamin Hobson, pioneer English medical missionary, also rented a house in the suburbs, close to the hospital in which he cared for the Chinese sick without fee; his landlord was urged to eject him, but refused;<sup>4</sup> charges were then, in the ordinary Chinese fashion, brought against the landlord, and he was thrown into prison, where he remained for six years, until, in 1854, he was released on the urgent representation of Sir John Bowring, governor of Hongkong.<sup>5</sup>

§ 2. Sir H. Pottinger, returning from Nanking, arrived at Hongkong on December 2nd, 1842, and a few days later

<sup>1</sup> Chin. Rep., June 1846. The area covered by the Tower of London, including its gardens, is 18 acres.

<sup>2</sup> Chin. Rep., Oct. 1846.

<sup>3</sup> Ibid., Nov. 1848.

Ibid.

<sup>5</sup> North-China Herald, June 24th, 1854.

occurred the first of a series of disturbances which, in the course of the next few years, demonstrated the spirit of hostility which continued to exist between the foreigners and the people of Canton. On December 7th a body of about 170 lascars came on shore leave from the ships at Whampoa to the factories, and, so far as appears, they were sent on shore with no one to control them. A brawl in the morning led to a street riot, by which the lascars were driven for refuge to the Creek hong. The crowd of Chinese increased and attacked the easternmost factories, and by midnight the Creek, Dutch, and English factories had been destroyed by fire. During this day the ring-leaders of the mob, appearing desirous of making the attack assume the form of a purely patriotic uprising, succeeded in preventing all pillage; but on the 8th looting of the treasuries of the burned factories began, and continued until the arrival of a body of 200 Chinese soldiers about noon—twenty-four hours after the mob first took possession of the square in front of the factories. The viceroy then took action, \$267,000 was paid as compensation for the property destroyed, and ten of the ring-leaders were decapitated.<sup>6</sup> The British merchants addressed to Sir H. Pottinger a remonstrance and appeal for protection, stating that the riot was premeditated, and that the affray with the lascars was only the spark to start the explosion, the materials for which were prepared in advance; they added that "there is a spirit of hostility to the English very general among certain orders in Canton."<sup>7</sup> The plenipotentiary replied throwing the responsibility for what had occurred on the foreign merchants themselves, declaring that

"the change which at that time [May 1841<sup>8</sup>] came over the people, and which has gradually led to their present state of exasperation and excitement, must have been brought about by ourselves—that is, partly by mismanagement and partly by ill-treatment; and I believe both these causes to have had a share in bringing matters to their present crisis."

He then charged the foreign community with neglect of their obvious duty, demanding of them whether,

"with your admitted knowledge of the hostile feeling of certain classes at Canton . . . and your recorded belief that sooner or later an outbreak

<sup>6</sup> Chin. Rep., Dec. 1842. Lascars are sailors, natives of British India.

<sup>7</sup> British merchants to Sir H. Pottinger, Dec. 13th, 1842, Corr. rel. insults in China, pres. H. of Lords, Feb. 12th, 1857, p. 4.

<sup>8</sup> Cf. chap. x, § 24.

would take place . . . you can conscientiously assert that you have studied the complexion of the times; that you have in any single iota or circumstance striven to aid me in my arrangements . . . by endeavouring to dissipate and soothe the very excitement and irritation of which you so loudly complain. . . . Even in the most civilised parts of the globe such a course [the quiet continuance of business] would have been equally advisable and expedient; and how much more so does it appear with a jealous, arrogant, and unapproachable government like that of China, which we have for ages allowed, and almost encouraged, to revile and treat us as human beings of a lower grade."<sup>9</sup>

§ 3. The plenipotentiary found himself in the situation of his successors, at one time or another, during the next fifty years; the protagonists in this dispute, as in so many others, were the Chinese government and people on the one side, and the foreign merchants on the other, with the foreign government and its representative in China acting as umpires or buffers, and striving to keep the peace.<sup>10</sup> The British merchants had waited more than eight years, from the abolition of the East India Company's monopoly to the signing of the treaty of Nanking; and, that treaty signed, without waiting for the settlement of a tariff or the drawing up of regulations in restraint of their own action or that of the Chinese, were anxious to enter upon the enjoyment of what had been gained by the treaty. From an inferior state they had all at once become the superiors, and the change in their situation had gone to their head. It was the knowledge of this attitude in the merchants which inspired Sir H. Pottinger to write as he did, upbraiding them for their lack of sympathy and support; but, none the less, on the specific point at issue—premeditation in the minds of the Chinese—the merchants were right and the plenipotentiary wrong. On October 13th the district magistrates issued a proclamation disbanding the militia, who had been embodied in the winter 1840–1841, and forbidding riotous assemblies;<sup>11</sup> this could not fail to excite discontent in the minds of people who, while avowing their readiness to fight, were by a word deprived of all chance of fighting. Early in November a placard from certain of the gentry<sup>12</sup> of Canton was posted on

<sup>9</sup> *Insults in China*, pp. 6–8.

<sup>10</sup> Cf. Sargent, "Anglo-Chinese Commerce and Diplomacy," *passim*.

<sup>11</sup> *Chin. Rep.*, Oct. 1842.

<sup>12</sup> Objection has been taken to the use of the word "gentry" to describe those called by the Chinese *Shen-shih*, meaning "those of the official and literary class." *Literati* is inadequate, and *gentry* seems the best word to

the walls, calling upon the people to resist any extension of the area for foreign residence outside the factories.<sup>13</sup> Later in the month another placard appeared reviving all the old causes of complaint against the English, "whose ruler is now a woman and then a man, whose disposition is more fierce and furious than the tiger or the wolf," and charging them with breach of faith in continuing hostilities after they had made the convention of May 1841; warning the people that, if the English were allowed to settle on Chinese soil, "to encroach even to our bedsides," other nations would follow in their steps; and reminding the emperor of the myriads of the armed people who would support him in resisting the intrusive foreigner.<sup>14</sup> On December 2nd a public meeting was held, at which was read a manifesto from others of the gentry, appealing to the reason of those present, and warning them that the only object of the opposite party was to stir up commotion. There was much division of opinion, and the meeting broke up in confusion.<sup>15</sup> On the 6th, the day before the riot, the viceroy and governor issued a joint proclamation, forbidding seditious assemblages and incendiary placards.<sup>16</sup> It is, therefore, idle to say that there was no premeditation, and that the trouble originated in the affray between the lascars and the people; and the merchants were justified in replying to the plenipotentiary's letter, repelling his charges, and denying especially the charge that they had claimed special protection or been unduly hasty in exercising their new privileges.<sup>17</sup>

§ 4. The action of the Chinese, people and authorities, was characteristic of the race. In China, placards take the place of the press,<sup>18</sup> and, being anonymous, their language is unrestrained, generally provocative, and always scurrilous. With a curious mixture of suspicion and credulity, the minds of the people respond readily to the appeal thus made to their passions, and, in fact, the placards generally give expression to the talk of the describe men of family, of means, and of education, living generally on inherited estates, controlling the thoughts and feelings of their poorer neighbours, and able to influence the action of the officials, as do the shen-shih of China.

<sup>13</sup> Chin. Rep., Dec. 1842.

<sup>14</sup> Ibid., Nov. 1842.

<sup>15</sup> Ibid., Dec. 1842.

<sup>16</sup> Ibid.

<sup>17</sup> Insults in China, p. 10.

<sup>18</sup> An active native press may be said to date only from 1900.

tea-shops, where the people meet for a social cup of tea and the exchange of gossip. So long as these placards do not spell rebellion, the authorities have always treated them as a safety-valve for discontent, and have paid but little attention to them, being the more inclined to disregard them since the officials, generally speaking, carefully avoid anything which could antagonise their own class, the gentry; and, in matters concerning foreigners, the gentry have always been irreconcilable Bourbons, resisting all change and all concession. When the riot comes in due sequence to the placards, the inherent weakness of the Chinese system of government is at once apparent. The responsible official is always an alien to the place, with limited powers of constraint, and in great dread of what may be reported regarding his action. His hope is that the fire may burn itself out, and his earlier action is generally limited to exhortations to the mob to be good children and do no further mischief; when later he is driven to more decided action, he often finds that the mob has got out of hand, and that he and the force at his disposal are mere chips on the waves of disorder. It has not often happened that any official under the rank of Taotai, seldom that any under the rank of governor or viceroy, has taken, in such cases, an early decision of so strong a kind as is involved in firing with ball cartridge on the mob. A mere magistrate would have before him in his mind the dead, for whose death later he would be held strictly responsible; just because he is himself the executive arm, superintendent of police and coroner in one, he is the more subject to hostile criticism. When finally the riot becomes so serious that the highest official available is forced to intervene, his action is ruthless and drastic; dead bodies no longer count, and heads fall like wheat before the sickle, while money indemnities are levied on guilty and innocent alike. The foreign merchants generally have had no intimate acquaintance with the country in which they lived, or with the mind of the people,<sup>19</sup> deriving their knowledge solely from their compradors or their body-servants; and, while claiming the full benefit of the Chinese doctrine of responsibility and all the privileges of extra-territoriality, have required from the Chinese government as

<sup>19</sup> This statement is based on the history of the succeeding fifty years, and not on the particular episode now under consideration.

enlightened and as effective a degree of protection in their vocations as they would expect from a government which is master on its own soil. Foreign governments and their representatives have occupied a difficult position between these two opposing parties. They have often had complications in other parts of the world,<sup>20</sup> which made it difficult or impossible to give their undivided attention to Chinese affairs. In enforcing the treaties, while never indifferent to appeals from their nationals for protection and the full enjoyment of their privileges, it has also been their duty to resist any enlargement of those privileges by implication, and, in general, to act as judges in interpreting fairly the provisions of treaties imposed on China by force. This has frequently brought them into collision with their nationals, but, frequently also, they have supported demands against their better judgment.

§ 5. In June 1844, occurred at Canton the riot which has already been described in detail,<sup>21</sup> in which the Americans were involved in the death of Hsü A-man. On the Chinese side the case was compromised, and the demand for vengeance silenced, by the payment of compensation by the officials to the claimants.<sup>22</sup>

§ 6. In December 1844, in the country near Amoy, an assault was committed by Chinese on two Chinese, who were afterwards kept in detention by the officials; it was alleged that this action was taken, by the people and by the officials, because the two men had sold provisions to the English during the war. Such action, if the allegation was true, was in contravention to the amnesty clause in the treaty of Nanking,<sup>23</sup> and the British consul, Mr. R. Alcock, protested, with the result that the two men were released a month later, without having suffered ill-treatment. The consul reported that "the redress afforded,

<sup>20</sup> As, for example, the position of the French government at the time of the Tientsin massacre in 1870, and of the British government in 1856, with the Indian mutiny and the second Chinese war on their hands, or in 1900 when serious reverses had been suffered in South Africa. During the years 1839-1842, besides the first Chinese war, the British government had a cabinet crisis in May 1839; another cabinet crisis in Sept. 1840; difficulties with France and with Turkey from Sept. 1840 until the following summer; a difficulty with the United States in March 1841; war with Afghanistan in 1841-1842; a dissolution of parliament in June 1841; a change of administration in Sept.; war and the annexation of Sind in 1842-1843.

<sup>21</sup> Cf. chap. xii, §§ 8, 9.

<sup>22</sup> Chin. Rep., June 1846.

<sup>23</sup> Brit. tr. Nanking, 1842, art. ix.



although tardy, is so far satisfactory, that it is a distinct admission on the part of the authorities of my right to claim protection for any Chinese in the employment of the British from unmerited aggression; this being a point which the Taotai was disposed in the first instance to dispute."<sup>24</sup>

§ 7. On March 18th, 1845, as Mr. R. Montgomery Martin, colonial treasurer, Hongkong, Mr. R. B. Jackson, British vice-consul, Canton, and the Rev. Vincent Stanton, British chaplain at Hongkong, were walking for exercise on the city wall on the north side of Canton, they were assaulted by men brandishing swords and knives, who hurled large stones in their direction and shouted "Kill! kill!" but in the end contented themselves with robbing the three of many of their valuables. The High Commissioner, Kiyong, exerted himself to do justice, and obtained the restoration of the valuables; and one of the culprits was arrested and punished, but, "though put to the torture, he would not betray his associates."<sup>25</sup> On the general question of entry to the city (and its walls), Kiyong declared that he agreed with the English view of their rights under the treaty, but "can entertain no other view than that dictated by the disposition of the populace of Canton, which renders it impossible." On this, Lord Aberdeen commented that "those authorities seem to have the power, when they have the inclination, to keep the people in order . . . but I caution you to conduct any discussion with Kiyong on the subject with the utmost temper, and on every account to avoid pushing matters to the extremity of interrupting the free course of trade in the Canton waters."<sup>26</sup>

§ 8. At Foochow the few foreign residents, whenever they left their doors, were subjected to hustling—usually nothing more than curiosity, but easily degenerating into rudeness and violence; and, on August 4th, 1845, Governor Davis addressed himself directly to the Foochow viceroy (sending a copy of his despatch to the High Commissioner), contrasting the conduct of the people of Shanghai, Ningpo, and Amoy with that of the people of Foochow, and asking that the treatment complained of should be remedied. The viceroy answered courteously,

<sup>24</sup> Insults, pp. 14-18

<sup>25</sup> Ibid., pp. 18 seq.

<sup>26</sup> Lord Aberdeen to Sir J. Davis, Aug. 8th, 1845, *ibid.*, p. 23.

recognising the existence of the evil, and proposed that notice be given when a foreigner wished to leave his ship or his house, in order that a guard of soldiers might be sent to accompany him in his rambles.<sup>27</sup> This procedure was irksome to both sides, as the residents did not wish to call for a guard every time they took a country walk,<sup>28</sup> and the soldiers were not usually forthcoming when wanted; and there was no shipping to which to apply it. On October 4th the interpreter to the British consulate, Mr. H. S. Parkes, while walking within the city, in the Manchu garrison enceinte, was pelted with mud and stones by men of the military colony, who called out to him by name. An apology was promptly offered, and six persons were punished, three youths by flogging with the bamboo, and three adults by exposure in the cangue—an especially degrading punishment for these conquerors colonised amid a subject race, and not yet conscious of their decadence.<sup>29</sup>

§ 9. On February 5th, 1846, as Commander Giffard, R.N., and other officers of the British navy were on shore at Whampoa, walking about and shooting birds, they were "assailed by a crowd of people, with stones, urged on by the tipaos, or village heads; having arms, they could easily have destroyed their assailants, but displayed a forbearance which does them great credit," and walked quietly back to their boats.<sup>30</sup> In writing to Kiyang, Sir J. Davis drew attention to this "one more instance of the evil disposition of the Kwangtung people, which must be now corrected, in order to prevent future troubles." In commenting on the affair, Kiyang pointed out that parties from the shipping were not permitted to "go in an unauthorised manner into the interior of the country, and wander far about for amusement," and if they did, "it shall then be lawful for the people of the country to seize and hand them over to the English consul, to be by him punished according to the

<sup>27</sup> *Insults*, pp. 28-33.

<sup>28</sup> The author had this rule applied to him when he was engaged, in 1899, in making arrangements for the opening to foreign trade of the intensely anti-foreign province of Hunan, the Imperial government being very anxious that the arrangements should be made, and that no regrettable incident should occur. At the outset he could not have an ordinary afternoon stroll without an escort of fifty or sixty soldiers, without arms but in uniform; and at the end did not succeed in getting the escort reduced below four men in gaudy uniforms. "We are held responsible," was the unanswerable argument,

<sup>29</sup> *Insults*, p. 34.

<sup>30</sup> Sir J. Davis to Kiyang, Feb. 9th, 1846, *ibid.*, p. 39.

circumstances."<sup>31</sup> By a literal and strained interpretation of the treaty, Kiyung was right, if we disregard the fact that the Canton authorities had never consented to make regulations, such as were made at Shanghai, for even the shortest walk into the country—the foreigners could not enter the city on the one hand, nor on the other could they go into the country. Sir J. Davis then wrote pointing out that no protection and none of the comforts of life were accorded to the regular traders residing legitimately at Canton; but that the opium smugglers at Kumsingmoon and Namoa, who had been informed that they would be granted no British protection, "have formed settlements on shore, built houses, and made good roads," and all with the connivance and under the protection of the Chinese officials.<sup>32</sup> The positions were now curiously reversed: while the Chinese argued for the strict interpretation of treaty provisions, the British plenipotentiary adduced the protection given to those engaged in the illicit opium trade at places not open by treaty, as a reason for granting equal rights to the merchants engaged in the legitimate trade at the treaty port; and the Foreign Secretary saw the absurdity of this, and directed his representative to caution British subjects against going into the country outside port limits—"I still conceive it would be better to submit to some temporary inconvenience, rather than provoke the jealousy of an ignorant populace, by aiming at more than we are strictly entitled by treaty to exact."<sup>33</sup>

§ 10. Lord Aberdeen, however, had not comprehended that all these difficulties were intimately connected with the burning question of the right of entry to the city of Canton. The right was based on the wording—as interpreted at Shanghai and Foochow—of the treaty of Nanking, that "British subjects, with their families and establishments, shall be allowed to reside . . . without molestation and restraint at the *cities and towns*

<sup>31</sup> Kiyung to Consul Macgregor, Feb. 8th, 1846, *Insults*, p. 38. The English version of the treaty (Brit. tr. Bogue, 1843, art. vi) declared: "Seamen and persons belonging to the ships shall only be allowed to land under authority and rules which will be fixed by the consul in communication with the local officers, and should any persons whatever infringe the stipulations of this article, and wander away into the country, they shall be seized and handed over to the British consul for suitable punishment."

<sup>32</sup> Sir J. Davis to Kiyung, Feb. 21st, 1846, *Insults*, p. 40.

<sup>33</sup> Lord Aberdeen to Sir J. Davis, April 24th, 1846, *ibid.*, p. 43.

of Canton, &c.”<sup>34</sup> So long as the right claimed was not denied, as happened at Shanghai, it was forthwith abandoned; but when, as at Canton, it was absolutely rejected, those responsible for the conduct of English affairs in China set up, as an article of faith, the dogma that the “right of entry” was the keynote of success in Chinese affairs.<sup>35</sup> On this they acted more or less consistently; and their contention was explicitly accepted by Kiyong in 1843, and for two and a half years after. In July 1843 he wrote to Sir H. Pottinger that, as the cities at the other ports might be entered, he saw no reason for any exception at Canton, but “the trouble is that the temper of the people of Kwangtung is unlike that of the people of Chekiang and Kiangnan (Kiangsu) . . . unsettled in mind by the war, they are easily accessible to doubts and suspicions”; he was now busily engaged in removing their unreasonable suspicions, and begged that a certain degree of patience might be exercised in the matter.<sup>36</sup> The question was kept alive during 1844 and 1845 by occasional demands for the exercise of the right from the English plenipotentiary, and by frequent placards from the gentry announcing their undying resolve to resist the claim; and on January 13th, 1846, Kiyong, as High Commissioner and viceroy, and Hwang En-tung, as governor of Kwantung, issued a joint proclamation expressly recognising the right—“at all the others of the five ports the English are permitted to enter the cities, and no troubles have ensued; it is hard that Canton alone should offer obstructions and opposition”—and exhorting the “gentry and people to lay aside their suspicions, and cease their opposition.”<sup>37</sup> The answer came next day in the shape of several placards from the “gentry and people of the province of Kwangtung” denouncing the weakness of the officials and the perfidy and brutality of the English barbarians, and warning all concerned that, on the day when the first of “these wild bar-

<sup>34</sup> Brit. tr. Nanking, 1842, art. ii. Words so italicised in J. F. Davis. “China since the Peace,” ii, p. 168.

<sup>35</sup> J. F. Davis, *op. cit.*, ii, pp. 141, 150, 168; Michie, “The Englishman in China” (Sir R. Alcock), i, pp. 98, 107, 114, 160, 165, 310, 333, 338; Lane-Poole, “Life of Parkes,” i, pp. 145, 163 seq., 217. At an interview at the Foreign Office in 1850, “Lord Palmerston went straight to the point and . . . elicited from Parkes the opinion that the right of entrance into Canton was the key to the whole difficulty. The Prime Minister (sic) repeated the phrase after his visitor, with evident approbation.”—Lane-Poole, *op. cit.*, i, p. 145.

<sup>36</sup> Kiyong to Sir H. Pottinger, July 1843, Chin. Rep., Feb. 1846.

<sup>37</sup> Chin. Rep., Jan. 1846.

barians" entered the city, it had been determined "first to decapitate and exterminate the odious race, and then burn and destroy their habitations."<sup>38</sup> On the next day, the 15th, as the Kwangchow-fu was passing in official state through the city, he and his retinue were attacked—a most rare occurrence for a Chinese official in his seat of government—and followed to his yamen, which was thereupon completely gutted and given to the flames; all plundering was, however, rigidly repressed. The prefect escaped by a back-door; and the Namhoi-hien and the Hiehtai, who came successively to restore order, were driven away by force. That night a proclamation was issued by the provincial treasurer and judge warning the mob to disperse; and on the 16th they issued a second proclamation, stating that they "now fully understand that it is not your wish that the foreigners should enter the city," the previous official attitude having been merely tentative; and declaring that "the entrance into the city can never be allowed, and, so long as we remain in office, we can never alienate the people of this city." The High Commissioner and the governor also concurrently issued two proclamations, the first warning the people to disperse, the second taking the same ground as their subordinates on the vital question.

"We are ashamed and covered with sweat in thinking of our inability, on the one hand to make the foreigners yield, and on the other to secure the confidence of our own Chinese; it is utterly impossible for us to exhibit to you, the people, all the toils and troubles connected with pending affairs, but, that you should think we wish to treat foreigners generously and our own people harshly, is to us utterly incredible. . . . As the people are unwilling that the English should enter the city, how can we consent to entirely thwart their feelings, and improperly comply with the wishes of the foreigners?"<sup>39</sup>

§ 11. Kiying in 1846 at Canton found himself in the position of President Roosevelt and Secretary Root in 1907 at San Francisco, when the people of the place, with great unanimity, insisted on the expulsion of Japanese pupils from the public schools, and denied to the Japanese residents rights which the federal government was bound to uphold, both under treaties with Japan and on general grounds of expediency. The federal government in 1907 had no constitutional means of coercing the sovereign state of California, and could only gain

<sup>38</sup> Chin. Rep., Jan. 1846.

<sup>39</sup> Ibid.

its end by the exercise of diplomacy. The Imperial government in 1846 could impose its will on a reluctant province only by the drastic measure of treating the opposition as a rebellion to be crushed; for this its power was weakened by the result of the recent war with England, and by the numerous acts of rebellion which had occurred in various parts of the empire during the years immediately preceding. Kiyong's position, moreover, was exceptionally difficult, since he had against him, not only the unanimous hostility of the people of Canton, but the opposition as well of a strong party in the empire, which refused to accept the arbitrament of the war, and continued its criticism of the treaty and its hostility to its stipulations. The provincial government, as shown by the action of the treasurer and the judge, lost their respect for the power of the High Commissioner, their viceroy, and accepted the extreme position of the anti-foreign party; and Kiyong, deprived of all support, was driven to eat his own words, and reverse his position. He could have saved the empire by his statesmanship, but found himself helpless.

§ 12. The British government of the day saw Kiyong's difficulty, and, on receiving reports of the events at Canton of January 13th-16th, Lord Aberdeen wrote instructing Sir J. Davis to think carefully over doing anything, in connexion with opening the city of Canton, which might injure the position of Kiyong, since the Cantonese were implacably hostile to all foreigners, and if Kiyong were forced to coerce them into an acquiescent attitude, his position would be made very difficult. He then suggested, for Governor Davis's consideration, the advisability of coming to an agreement with Kiyong to postpone entry to the city for two years.<sup>40</sup> There may have been demi-official notes, not on record, to the same effect; but, whether under instructions or of his own initiative, Sir J. Davis had already acted in the same general sense. In the convention for the evacuation of Chusan, signed at the Bogue on April 4th, 1846, it was mutually agreed that the exercise of the right should be indefinitely postponed, but not waived.

"His Majesty the Emperor of China having on his own part distinctly stated that, when in the course of time mutual tranquillity shall have been

<sup>40</sup> Lord Aberdeen to Sir J. F. Davis, April 17th, 1846, in Public Record Office.

insured, it will be safe and right to admit foreigners into the city of Canton, and the local authorities being for the present unable to coerce the people of that city, the plenipotentiaries on either side mutually agree that the execution of the above measure shall be postponed to a more favourable period; but the claim of right is by no means yielded or abandoned on the part of Her Britannic Majesty."<sup>41</sup>

A proclamation by Sir J. Davis, dated May 18th, after the convention had been ratified at Peking, stated that "the previously questioned right of entry to Canton city is conceded and established under the Emperor's own hand, and the exercise of that right is agreed to be postponed only until the population of Canton shall be more under the control of the local government."<sup>42</sup> But Lord Palmerston<sup>43</sup> did not take so enthusiastic a view of the situation, and, on August 18th, he wrote to Sir J. Davis informing him that it had been decided not to publish the convention for the present.<sup>44</sup>

§ 13. The treaty of Nanking provided that "Chusan will continue to be held by her Majesty's forces until the money payments, and the arrangements for opening the ports to British merchants, be completed."<sup>45</sup> Sir J. Davis considered that "the restoration of Chusan would soon be felt in relaxed vigilance of observance as regarded treaty stipulations,"<sup>46</sup> and wished to retain that island, after the last instalment of the indemnity had been paid, until "the arrangements for opening" the city of Canton should "be completed."<sup>47</sup> Sir H. Pottinger had agreed,<sup>48</sup> however, that "the posts of Chusan and Kulangsu will be withdrawn . . . the moment all the moneys stipulated for in that treaty [of Nanking] shall be paid"; and Sir J. Davis was reminded of this and instructed that "strict adherence to the treaties and a reputation for fair dealing were of more value than any mere tactical advantage."<sup>49</sup> The peaceful recovery of

<sup>41</sup> Brit. conv. Bogue, 1846, art. i, Treaties, i, p. 208.

<sup>42</sup> Chin. Rep., May 1846.

<sup>43</sup> On a change of government Lord Palmerston had reassumed charge of the Foreign Office, July 6th, 1846.

<sup>44</sup> Lord Palmerston to Sir J. F. Davis, Aug. 18th, 1846, in Public Record Office. Of the five articles in the convention, the first has been quoted above, the second allowed British subjects to walk in the country to seventy named villages, and the other three related to the evacuation of Chusan, which had been carried out on July 25th.

<sup>45</sup> Brit. tr. Nanking, 1842, art. xii.

<sup>46</sup> J. F. Davis, "China since the Peace," ii, p. 150.

<sup>47</sup> The last instalment was paid Jan. 22nd, 1846.—Chin. Rep., Jan. 1846.

<sup>48</sup> Brit. tr. Bogue, 1843, art. xi.

<sup>49</sup> Lord Aberdeen to Sir J. F. Davis.

Chusan was, no doubt, a serious motive for well-doing: Hong-kong was lost beyond recovery; but Chusan was still to be redeemed, and its redemption was held to be important by both parties in the empire, and the patent necessity operated to restrain the anti-foreign party, whose freedom of action was restored by its retrocession. The apprehension of Sir J. Davis seems to have been justified by the increasing frequency and violence of riots, one of the most violent of which occurred while the evacuation of Chusan was going on.<sup>50</sup>

§ 14. On July 4th, 1846, an English merchant, Mr. Charles S. Compton, annoyed by the raucous cries<sup>51</sup> of a fruit-seller in Old China Street, rushed out of his quarters in Mingqua Hong, kicked over the fruit-stand, and drove the hawker out of the street; the matter was at once adjusted by the petty officer in command of the guard-house. On the 8th, towards sunset, another foreigner, Mr. Church, was similarly aroused by the cries of another fruit-hawker, and began to beat him with a cane. This caused considerable stir among the people, and into the commotion rushed Mr. Compton, also armed with a cane; and the two foreigners seized the hawker, took him inside the hong, tied him up, and, it was charged by the Chinese, beat him with their canes. This started a riot which soon assumed a very serious aspect. The British consul sent a messenger to the authorities, asking for protection, and this was followed by a similar appeal from the American chargé d'affaires, both before 7 p.m.

"Cries of 'Kill the foreign devils!' 'Beat the foreign devils!' rang and re-echoed through all the streets in the vicinity of the foreign factories. Hundreds of the basest of men were already collected, and many hundreds more were hastening to the scene of riot. It was now past 8 o'clock, and the action of the mob was every moment becoming more violent and more extensive. The gates and outer wall of Mingqua's hong had been demolished; one of the walls of the cook-house battered down; some of the iron-barred and stone-cased windows of the house dug out of the solid wall, against which a heavy battering-ram was being plied with great fury. It was impossible to mistake the intentions of the mob. Unless force were interposed immediately, it was evident the scenes of 1842—

<sup>50</sup> Cf. J. F. Davis, *op. cit.*, ii, p. 151.

<sup>51</sup> Any resident of China who has heard the harsh penetrating cries of the street vendors in narrow lanes will realise the nervous irritation caused to one suffering, perhaps, from the extreme heat of a Canton July in confined quarters.



when the British factories were sacked and burnt—were to be reacted. Indeed, two attempts had been already made to set the house on fire. Moreover, an officer of the Chinese government, with his attendants having come to the scene, had been driven back.”<sup>52</sup>

The foreign residents, therefore, armed themselves and assembled in front of the factories; and, after a consultation between the British consul and the American chargé d'affaires, they charged the mob, winning the point where Old China Street touches the American Garden, and clearing the short street west from that. At one time during this operation the foreigners were in great danger from volleys of stones, and opened fire, killing three and wounding six of the Chinese.<sup>53</sup> Soon after 9 p.m. “the Chinese authorities with troops came to the assistance of those who, till then, had been left to shift for themselves . . . and before midnight, with permission from the proper quarter, about 200 Chinese soldiers were marched into the American Garden.”<sup>54</sup> The authorities marched troops about the streets in the vicinity during the night and through the following day. For some days there was a feeling of great insecurity, but there were no further acts of violence.

§ 15. Into a mass of highly inflammable material the inconsiderate and violent action of one man had thrown a spark which caused a conflagration which might easily have assumed larger proportions. The matter was regarded from much the same standpoint in London and in Hongkong; and Sir J. Davis, in his action, anticipated generally the instructions on their way to him.<sup>55</sup> On the one hand he called upon Kiating to punish severely all who were concerned in the riot, holding the Chinese government responsible for the preservation of order and the protection of life and property on Chinese soil, but warning the High Commissioner that, “if the Chinese shall be unable or unwilling to keep order, British subjects will defend themselves.”<sup>56</sup> On the other hand, an inquiry into the riot was held at Canton,<sup>57</sup> and Mr. Compton was charged before the

<sup>52</sup> Chin. Rep., July 1846.

<sup>53</sup> Proclamation of Namhoi-hien, Papers rel. riot at Canton in July 1846 (pres. to H. of Commons 1847), p. 7.

<sup>54</sup> Chin. Rep., July 1846.

<sup>55</sup> Papers rel. riot, *passim*.

<sup>56</sup> Lord Palmerston to Sir J. F. Davis, Oct. 3rd, 1846, Papers rel. riot, p. 14.

<sup>57</sup> Lord Palmerston to Sir J. F. Davis, Oct. 17th, 1846, *ibid.*, p. 15.

consular court for breach of treaty;<sup>58</sup> and, by special order of Sir J. Davis,<sup>59</sup> the consul on September 24th inflicted a fine of \$200, "in particular for having on July 4th last kicked down the stall furniture of a fruiterer at the bottom of Old China Street."<sup>60</sup> The judgment was based on Hongkong ordinance No. 2, but, according to the governor, action should have been taken under ordinance No. 4; and Mr. Compton appealed to the supreme court at Hongkong. Judgment was rendered there on November 24th, and the chief justice, while declaring that action should have been taken under ordinance No. 7, stated that:

"This case was at first small, but has become important from what has occurred connected with it. There has been a total disregard, not only of the forms of justice, but of justice itself. . . . Mr. Compton received sentence under one ordinance and was fined under another. . . . It is evident, in my opinion, that Mr. Compton was sentenced, apparently, for what took place on the 4th, but really for what occurred on the 8th. . . . The whole proceedings have been so exceedingly irregular as to render it necessary to reverse the judgment altogether."<sup>61</sup>

This outcome was a disappointment to the authorities—the Foreign Office in London, the governor in Hongkong, and the consul in Canton—who were concerned to exercise such control over the violence of foreigners in China as would deprive the

<sup>58</sup> "Whenever a British subject has reason to complain of a Chinese, he must first proceed to the consulate and state his grievance."—Gen. Reg. Trade, 1843, art. xiii, made part of Brit. tr. Bogue, 1843, art. ii.

<sup>59</sup> "I accordingly directed the consul to levy the highest fine of \$200 under the consular ordinance."—Sir J. F. Davis to Lord Palmerston, Sept. 26th, 1846, Papers rel. riot, p. 49.

<sup>60</sup> Judgment in Papers rel. riot, p. 80.

<sup>61</sup> Judgment in Papers rel. riot, pp. 84 seq. The action of the supreme court in reversing the consul's judgment was in full accord with the general opinion of the mercantile community at Canton and Hongkong. At a public meeting at Canton resolutions in support of Mr. Compton were adopted by the unanimous vote of 43 persons, representing 28 British firms; and a letter to him, dated Nov. 16th, fully exonerating him from the charge of causing the riot of July 8th, was signed by 60 persons, representing 27 British firms.—Chin. Rep., Nov. 1846. The cause of the merchants was also warmly espoused in England. In sequence to the riot of July 1846, and the murders of December 1847, strongly worded representations, urging more energetic measures, were addressed to the Foreign Office by the Manchester Commercial Association on Sept. 25th, 1846, and March 16th, 1848, and by the Liverpool East India and China Association on Oct. 10th, 1846 and Feb. 22nd, 1848. Lord Palmerston replied to both upholding the policy of the government and the conduct of Sir J. F. Davis.—Corr. between Foreign Office and these associations, pres. to H. of Commons, March 6th and May 28th, 1857.

Chinese of any excuse for their failure to maintain order.<sup>62</sup> Lord Palmerston stated that he intended to refer the whole proceedings, especially the judgment of the chief justice, to the law officers of the crown, and that he entirely approved the fine of \$200.

"It cannot be tolerated that British subjects should indulge towards the people of China in acts of violence or contumely which they would not venture to practise towards the humblest and meanest individual in their own country."<sup>63</sup>

Sir J. F. Davis was instructed that, in returning the fine to Mr. Compton, "you will carefully abstain from offering him any apology or amends";<sup>64</sup> and in a letter from the Foreign Office to Mr. Compton, he was informed that the government "thoroughly approve the fine, and only regret that you escaped penalty owing to defect in the form of proceedings against you."<sup>65</sup>

§ 16. Two days after the riot, on July 10th, the British merchants at Canton sent to the consul a memorial asking that a ship of war be stationed for their protection off the factories; and on July 22nd addressed a similar request to the Foreign Office.<sup>66</sup> The consul was opposed to this step,<sup>67</sup> on the ground that it would only provoke the hostility of the Chinese; and on the further ground, in which he was supported by the naval authorities, that British ships of war should not relieve the Chinese of their duty of maintaining order. Lord Palmerston made short work of this contention. He instructed Sir J. F. Davis to require the Chinese authorities to punish the Chinese

<sup>62</sup> "The late ferment among the English merchants at Canton, in consequence of the fine I ordered on Mr. Compton, may perhaps not greatly surprise your lordship, who were cognisant of the proceedings of Mr. Innes under Captain Elliot, and who perhaps heard the evidence of Mr. Inglis, another merchant, who declared, 'We never paid any attention to any law in China that I am aware of. . . . I am not the first who has been compelled to remark that it is more difficult to deal with our own countrymen at Canton, than with the Chinese government; and I offer the best proof of this in the fact that it has cost me infinitely more trouble to make Mr. Compton pay a fine of \$200 than to obtain a compensation to our merchants of \$46,000 for losses which accrued partly from their own misconduct.'"—Sir J. F. Davis to Lord Palmerston, Nov. 12th 1846, Papers rel. riot, p. 74.

<sup>63</sup> Lord Palmerston to Sir J. F. Davis, Jan. 25th, 1847, *ibid.*, p. 89.

<sup>64</sup> Lord Palmerston to Sir J. F. Davis, Feb. 24th, 1847, *ibid.*, p. 90.

<sup>65</sup> Mr. Addington to Mr. Compton, March 11th, 1847, *ibid.*, p. 129.

<sup>66</sup> Papers rel. riot, pp. 8, 11.

<sup>67</sup> Consul Macgregor to commander of H.M.S. *Wolverine*, July 21st, and to Sir J. F. Davis, July 23rd, 1846, Jan. 11th, 1847, *ibid.*, pp. 13, 100.

guilty in the riot, and to inform them that the British government had ordered a ship of war always to be stationed in front of the factories.<sup>68</sup> Later he wrote, for the benefit of all consuls in China:

"I have only to say that, wherever British subjects are placed in danger, in a situation which is accessible to a British ship of war, thither a British ship of war ought to be and will be ordered, not only to go, but to remain as long as its presence may be required for the protection of British interests."<sup>69</sup>

In October the foreign community, in the absence of any protecting ship of war, decided to form a volunteer force for mutual organised defence. The British consul on October 13th wrote protesting, "having heard that British subjects in common with other foreign residents at Canton have organised themselves in a species of armed body, on the ground of necessary self-defence against possible popular outbreaks."<sup>70</sup> Lord Palmerston's reply was a clear exposition of what, under the circumstances of the time, he considered should be the attitude of foreign governments towards the Chinese:

"We shall lose all the vantage ground we have gained by our victories in China, if we take a low tone. We must take especial care not to descend from the relative position which we have acquired. If we maintain that position morally, by the tone of our intercourse, we shall not be obliged to recover it by forcible acts; but if we permit the Chinese, either at Canton or elsewhere, to resume, as they will no doubt always be endeavouring to do, their former tone of affected superiority, we shall very soon be compelled to come to blows with them again. Of course we ought—and by we I mean all the English in China—to abstain from giving the Chinese any ground of complaint, and much more from anything like provocation or affront; but we must stop on the very threshold any attempt on their part to treat us otherwise than as their equals, and we must make them all clearly understand, though in the civilised terms, that our treaty rights must be respected. The Chinese must learn and be convinced, that if they attack our people and our factories, they will be shot; and that if they ill-treat innocent Englishmen, who are quietly exercising their treaty right of walking about the streets of Canton, they will be punished. So far from objecting to the armed association, I think it a wise security against the necessity of using force. Depend upon it that the best way of keeping any men quiet, is to let them see that you are able and determined to repel force by force; and the Chinese are not in the least different, in this respect, from the rest of mankind."<sup>71</sup>

<sup>68</sup> Lord Palmerston to Sir J. F. Davis, Oct. 3rd, 1846, Papers rel. riot, p. 14.

<sup>69</sup> Lord Palmerston to Sir J. F. Davis, Dec. 10th, 1846, *ibid.*, p. 52.

<sup>70</sup> Papers rel. riot, p. 76.

<sup>71</sup> Lord Palmerston to Sir J. F. Davis, Jan. 9th, 1847, Corr. rel. operations on the Canton River, April 1847, p. 2.

§ 17. On October 17th, 1846, the consul at Canton reported that two seamen from the British ship *Mary Bannatyne* had been enticed into the back-streets of the suburbs, and were there assailed by a mob, beaten with sticks, pelted with stones, and even cut with sharp weapons; one escaped by plunging into the river, the other by taking refuge in a shop.<sup>72</sup> Lord Palmerston's reply was short and sharp:

"I have to instruct you to demand the punishment of the parties guilty of this outrage; and you will moreover inform the Chinese authorities, in plain and distinct terms, that the British government will not tolerate that a Chinese mob shall with impunity maltreat British subjects whenever they get them into their power; and that if the Chinese authorities will not, by the exercise of their own authority, punish and prevent such outrages, the British government will be obliged to take the matter into their own hands, and it will not be their fault if in such case the innocent are involved in the punishment which may be sought to be inflicted on the guilty."<sup>73</sup>

§ 18. There was quiet for a time, and towards the end of February, Sir J. F. Davis wrote to Kiyang in a congratulatory tone, stating that

"the precautions taken by the Chinese government have been lately much greater than before the disturbances of July last, and I therefore hope that troubles cannot again occur. British subjects have been very strictly warned against originating disturbances on their own part, and thus we hope that tranquillity will be preserved on both sides."<sup>74</sup>

Feelings on both sides were, however, soon to be embittered anew by two incidents occurring in rapid succession. The British consul asked of Kiyang permission to throw a bridge over Hog Lane, in order to connect two separated portions of the factories, and to build a cook-house for the sailors adjoining Hog Lane, in order to remove them from the temptations of the streets. The people of the vicinity objected, as they would have objected to anything desired by the foreigners, and Kiyang was constrained to refuse permission; but the incident was

<sup>72</sup> Consul Macgregor to Sir J. F. Davis, Oct. 19th, 1846, Corr. rel. operations, p. 1; Captain Picken to A. Campbell (Chairman of Committee of Defence), Nov. 11th, 1846, Chin. Rep., Nov. 1846.

<sup>73</sup> Lord Palmerston to Sir J. F. Davis, Jan. 12th, 1847, Corr. rel. operations, p. 3.

<sup>74</sup> Sir J. F. Davis to Kiyang, Feb. 13th, 1847, Papers rel. riot, July 1846, p. 108.

important only as giving occasion for acrimonious discussion. On March 12th a party of six Englishmen (including Lieut.-Colonel Chesney) and one American visited Fatshan, and were conducted by their guide to the principal resident official. Fatshan is one of the places in China<sup>75</sup> having great industries and a very large population, but having no official status; and, under a lax government, these places have always been turbulent and uncontrollable. Such a place was one to which no foreigner should have been allowed to go under the circumstances of the time. The party left the house under the escort of a "white button mandarin,"<sup>76</sup> and, finding that the people assumed a hostile attitude and began firing stones, they returned straightway to their boats, running the gauntlet of stone-throwing, and saved from serious mischief only by the exertions of the officer escorting them; after reaching their boat they were subjected to repeated volleys of stones.<sup>77</sup> On March 22nd Sir J. F. Davis addressed a complaint to Kiyang, foreshadowing the possibility of the intervention of British armed forces; and stating that he must report the affair to his government.<sup>78</sup> Within a week, having in the meantime received Lord Palmerston's despatches of January 9th and 12th,<sup>79</sup> he assumed a stronger tone and demanded reparation, as instructed, for the outrage of October 17th, warning Kiyang that "if your Excellency will not punish and prevent such outrages, it will be necessary for the British government to punish them. . . . Should your Excellency not redress these matters, it is my duty to inform you that you will bring down calamity on the Chinese people."<sup>80</sup> Kiyang's answer of March 30th, evasive and unsatisfactory in character, was received on April 1st; and on that same day Sir J. F. Davis informed the general commanding the troops in Hong-kong that "under these circumstances, and with the strong communications from Viscount Palmerston, I have come to the conclusion that there is no other remedy but to proceed to Canton with a force and demand reparation on the spot." In acknowledging receipt of this despatch, General D'Aguilar

<sup>75</sup> Kingtehchen, the porcelain centre, in Kiangsi, is another such place.

<sup>76</sup> Of the sixth rank, probably military, and therefore of small importance.

<sup>77</sup> Corr. rel. operations, 1847, p. 9.

<sup>78</sup> *Ibid.*, p. 10.

<sup>79</sup> Cf. *antea*, §§ 16, 17.

<sup>80</sup> Sir J. F. Davis to Kiyang, March 27th, 1847, Corr. rel. operations, p. 11.

stated that he "had long been prepared for this contingency."<sup>81</sup>

§ 19. Without further warning, without sound of trumpet or the despatch of heralds, the lion pounced on the dragon. The troops were embarked on the ships of war before midnight on April 1st, and on the 3rd, General D'Aguilar informed Sir J. F. Davis that he was already in occupation of the factories at Canton, "having in the course of the last thirty-six hours assaulted and taken all the principal forts at the Bogue, and in the Canton river, and, after destroying the gateways and blowing up the magazines, spiked eight hundred and twenty-seven pieces of heavy cannon."<sup>82</sup> This decisive action, whatever may be the judgment formed of its political wisdom and ethical morality, was approved by the foreign community generally; and, on April 5th, Dr. Parker, the American chargé d'affaires, and Mr. Forbes, the American consul, expressed to Sir J. F. Davis "their entire concurrence in the necessity for the measures which had been adopted, and observed that it was the common cause of the foreign residents."<sup>83</sup> By a note dated April 2nd, during the course of the hostile operations, Sir J. F. Davis imperatively required of Kiyng his adhesion to four demands:

- 1°. The punishment of the aggressors at Canton on October 17th.
- 2°. The punishment of those at Fatsan on March 12th.
- 3°. Sufficient ground for the dwelling of British merchants at Canton.
- 4°. The practice now, or at a fixed period, of the right of free entry into the city.<sup>84</sup>

After an interview between the two high officials on the 4th, and an ultimatum delivered on the 5th, a convention was agreed to on April 6th, in the form of a despatch from Kiyng, in which he accepted the following terms:<sup>85</sup>

1°. "The intention of returning my visit in the city is excellent, but the time for it ought still somewhat to be delayed. It is therefore now

<sup>81</sup> Sir J. F. Davis to Major-Gen. D'Aguilar, April 1st, 1847, Corr. rel. operations, p. 16. Major-Gen. D'Aguilar to Sir J. F. Davis, April 1st, 1847, *ibid.*, p. 17.

<sup>82</sup> Major-Gen. D'Aguilar to Sir J. F. Davis, April 3rd, 1847, *ibid.*, p. 18. This operation was carried through with the insignificant force of 900 soldiers, 3 steamers, and 1 brig.—Sir J. F. Davis to Lord Palmerston, April 12th, 1846, *ibid.*, p. 23.

<sup>83</sup> Corr. rel. operations, p. 18.

<sup>84</sup> *Ibid.*, p. 19.

<sup>85</sup> Treaties, I, p. 210. Notification of Sir J. F. Davis, Corr. rel. operations, p. 22.

agreed that two years from this day's date British officers and people shall have free entrance into the city."<sup>86</sup>

2°. "Whenever Englishmen go on shore to walk, and meet with insult, the local authorities must investigate the matter and punish the aggressors; and the space of one day's journey, just as at Shanghai, is also assigned at Canton for such excursions."<sup>87</sup>

3°. The aggressors in the outrages of October and March were to be punished.

4°. "An adequate space on the Honam side of the river shall be granted on lease to British merchants and others for the erection of dwellings and warehouses."

5°. Sites for a church and a cemetery.

6°. The bridge over Hog Lane to be built.

7°. The river front before the factories to be kept clear of boats.

§ 20. Kiyng was in a position of exceptional difficulty and powerlessness. We have seen<sup>88</sup> how he was forced, by the intensely hostile feeling of the Cantonese people, to withdraw from his statesmanlike position on the question of the barren right of entry to the city. Besides the situation at Canton, he had to deal with disorders throughout his viceroyalty, the two provinces of Kwangtung and Kwangsi, which were already serious, and which, though now disconnected and disorganised, were soon to attain to the dignity of organised rebellion; while along the coast piracy was becoming more common. This situation he dealt with in a thorough and effective oriental manner. Executions were frequent and numerous,<sup>89</sup> and it was only by a ruthless exercise of the powers of government that prestige of the government could be maintained. This was the time selected by Sir J. F. Davis, under the spur of Lord Palmerston's instructions, and with the full support of the foreign community, to disregard Lord Aberdeen's previous injunction to think carefully over doing anything to injure

<sup>86</sup> Cf. *antea*, § 12.

<sup>87</sup> Cf. chap. xiii, § 12.

<sup>88</sup> Cf. *antea*, § 10.

<sup>89</sup> "Multitudes of vagabonds, ready for any mischief, are congregated in and about the city. So far as human agency goes, nothing but physical force can keep these bands in check; let that be removed, or the fear of punishment be taken away, and they would sack the factories at once. On the 9th instant 41 Chinese criminals were decapitated at the Potter's Field, near the Imperial landing-place. A similar scene was exhibited there on the 5th."—*Chin. Rep.*, Feb. 1847.

"Twelve hundred Chinese criminals are said to have been beheaded in Canton during the last year, and many thousands are now in prison. Since the opening of the seals of the provincial officers on the 5th the work of decapitation has been renewed. Causes are in operation among the Chinese that must year after year continue to swell the tide of evil and hasten on some—it is hard to say what—dreadful calamity."—*Chin. Rep.*, March 1847.



Kiying's position, and to execute his coup de main; he accomplished his immediate object, and his action was fully approved by his government,<sup>90</sup> but the result was to intensify the hostility of the people of Canton and vicinity,<sup>91</sup> and to undermine Kiying's power to maintain order, both in foreign and in purely national affairs.

§ 21. Kiying, however, manifested greater and greater anxiety to allow nothing to interfere with the continuance of peaceful relations with the English, who, as in the past, stood as champions of the whole foreign community, without distinction of nationality. On May 13th a Malay sailor from a British ship received some injuries, and Kiying took prompt action to give redress;<sup>92</sup> on May 28th stones were thrown from the shore at an English boat containing five persons, and the culprits were punished within a week;<sup>93</sup> on August 8th, as Messrs. Reynvaan (Dutch) and Vaucher (Swiss) were on passage from Canton to Hongkong, their boat was raided off Canton city, Vaucher being drowned, and Kiying took prompt action;<sup>94</sup> on the same day a party of eight young men, mostly English, going a-pleasuring in a boat, were molested at Hwangchuki, a village three miles above Canton, and the guilty persons were flogged and cangued.<sup>95</sup> So pleased was Sir J. F. Davis with Kiying's whole course that, at this juncture, he wrote to the High Commissioner to express his sense of satisfaction at the "uniform good faith and firmness with which he had punished casual infractions of the peace."<sup>96</sup> Yet, on October 24th and on November 6th and 19th, there were other similar episodes, in each of which Kiying gave complete and speedy redress,<sup>97</sup> thereby, it must be clearly recognised, still further weakening his hold on the irritated, riotous, and rebellious people of Canton.

§ 22. On December 5th a party of six young Englishmen<sup>98</sup>

<sup>90</sup> Lord Palmerston to Sir J. F. Davis, June 24th and July 5th, 1847, *Corr. rel. operations*, pp. 33, 34.

<sup>91</sup> Anti-foreign placards in *Chin. Rep.*, April 1847.

<sup>92</sup> Papers rel. murder of six Englishmen in the neighbourhood of Canton in the month of Dec. 1847, *pres. both H. of Parliament*, 1848, p. 2.

<sup>93</sup> *Insults*, p. 70.

<sup>94</sup> *Chin. Rep.*, Sept. 1847.

<sup>95</sup> *Insults*, pp. 77-85.

<sup>96</sup> Sir J. F. Davis to Lord Palmerston, Sept. 23rd, 1847, *Murder of six Englishmen*, p. 1.

<sup>97</sup> *Murder of six Englishmen*, pp. 8, 9, 17.

<sup>98</sup> Two of them were among the eight who were molested at the same village on Aug. 8th.

went by boat to Hwangchuki, intending to take a country walk, and were not again seen alive. It was afterwards brought out in evidence that they were probably not armed, or, if at all, with one or two pistols; that, on landing, they were at once surrounded and hustled, and two were killed; that four fled, but were captured and killed the next morning; that the last one was killed after formal debate, when it was decided that he could not be spared, since, if left alive, he would bring retribution on the village. At some stage in the proceedings one Chinese was killed and one wounded. The bodies of the murdered Englishmen, much mutilated, were recovered and brought to Canton on the 9th and 10th.<sup>99</sup> Kiyong acted promptly and effectively. He took military occupation of the village at once, in itself a heavy punishment; by the 11th he had arrested six men, and by the 15th nine additional. After some correspondence on the number of heads wanted,<sup>100</sup> justice was finally, on December 21st, administered at Hwangchuki, in the presence of Chinese officials, troops, and people, and in the presence of English officers, civil and military, and of a guard of thirty-three soldiers from an English regiment. Of those adjudged guilty, four were summarily decapitated on that day; the remaining eleven were reserved for the ultimate decision of the Hing Pu, meantime being provisionally sentenced, one to decapitation, one to strangulation, three to the frontier for life, and six to bamboozing and banishment for three years.<sup>101</sup> Two months later Kiyong was relieved of his duties at Canton, and ordered to Peking.<sup>102</sup> In March Sir John Francis Davis was succeeded by Mr. Samuel George Bonham, as governor and commander-in-chief, envoy-extraordinary and minister-plenipotentiary, and superintendent of trade.<sup>103</sup>

§ 23. At Shanghai, the other important centre of foreign trade and residence, other conditions prevailed. There full security was enjoyed by foreigners, and they were free to visit

<sup>99</sup> Murder of six Englishmen, pp. 22 seq.; Chin. Rep., Dec. 1847. It must be noted that the pocket pistols of that day were very ineffective weapons.

<sup>100</sup> Kiyong argued, and succeeded in maintaining, that, as six Englishmen were killed and two Chinese killed or wounded, the demands of justice would be met by four heads. This was a position which he could uphold to the Cantonese.

<sup>101</sup> Murder of six Englishmen, p. 34; Chin. Rep., Jan. 1848.

<sup>102</sup> Chin. Rep., Feb. 1848. He left Canton on March 16th.

<sup>103</sup> Chin. Rep., March 1848.

without molestation the country round about, the only limitation being that they should be able to return within the same day. Occasionally a regrettable incident might occur, as when, on May 18th, 1847, an American missionary, the Rev. W. M. Lowrie, was killed by pirates, while on passage by sea from Chapu to Ningpo;<sup>104</sup> but piracy was rampant along the whole coast, and six of the murderers were arrested before November.<sup>105</sup> Amid these generally peaceful surroundings, a serious incident occurred on March 8th, 1848, at Tsingpu, within, but barely within, the visitable radius from Shanghai. Three English missionaries, the Rev. Dr. W. H. Medhurst, the Rev. W. Muirhead, and Dr. W. Lockhart, were here set upon by Shantung junkmen, hustled and chased to their boats, and much bruised and cut by blows from hoes, clubs, iron bars, chains, etc. They were rescued by the Hien, but undoubtedly were able to reach the point of rescue only because of "the rare example of Christian forbearance and temper which marked their conduct."<sup>106</sup> Instant demand was made by the consul, Mr. Rutherford Alcock, for prompt redress, but there was some hesitation. The authorities had to deal, not with the generally law-abiding and friendly inhabitants of the country, but with a mass of not less than thirteen thousand men from the grain junks, about to be deprived of their occupation, without funds, and "a terror to the peaceful inhabitants, whom they plunder and maltreat with impunity";<sup>107</sup> and Chinese officials have ordinarily no great power of coercion against sturdy rogues. The consul warned his nationals that "no one, with common prudence, can at present visit the neighbourhood of these grain junkmen,"<sup>108</sup> but he would not tolerate any hesitation or dereliction of duty, and at once declared war against the Chinese empire. On March 13th, five days after the occurrence, he informed the Taotai that he would stop all payment of duties by British ships until full satisfaction was obtained, that no grain junks would be permitted to leave the port of Shanghai, and that if, in forty-eight hours, ten of the chief offenders were not appre-

<sup>104</sup> Chin. Rep., Sept. 1847.

<sup>105</sup> Ibid., Nov. 1847.

<sup>106</sup> Mr. Rutherford Alcock to Sir J. F. Davis, March 10th, 1848, *Insults*, p. 90.

<sup>107</sup> Mr. Alcock, notification of March 10th, 1848, *ibid.*, p. 92.

<sup>108</sup> Ibid.

hended, he would adopt other measures.<sup>109</sup> There were at the time 1400 junks in the port fully laden with tribute rice<sup>110</sup> destined for the support of the Manchu colony in Peking; and, to enforce his claims, the consul had at his disposal one 10-gun brig, the *Childers*. The Taotai pleaded his helplessness, and gave warning of possible riots directed against the foreign residents, but the *Childers* boldly dammed the stream of food for the court, and the blockade was maintained; and the course adopted, risky though it was, met with the cordial approval of the entire foreign community. Mr. Alcock thereupon, on the 19th, took the decisive step of communicating direct with the viceroy at Nanking. To have his action reviewed by a superior is the last thing a Chinese official desires, and the viceroy himself must always have in mind, "What will they say in Peking?" The viceroy then took prompt action. He at once removed the Taotai, and despatched the provincial judge to hold an assize at Tsingpu. Ten criminals were produced for inspection at Shanghai, and two were positively identified as having been foremost in committing the injuries, while others were recognised as having been present. Those identified were, on March 29th, condemned to the cangue within the foreign settlement, for a minimum period of one month.<sup>111</sup>

§ 24. Mr. Alcock acted in this case in the spirit in which, some years later, he declared that

"A salutary dread of the immediate consequences of violence offered to British subjects, certainty of its creating greater trouble and danger to the native authorities personally than even the most vigorous efforts to protect the foreigners and seize their assailants will entail, seems to be the best and only protection in this country for Englishmen."<sup>112</sup>

Mr. Bonham, within the week in which he entered on the duties of his post of governor of Hongkong, reported that he "conceived Mr. Alcock had exceeded the just limits of his authority";<sup>113</sup> and he wrote to Mr. Alcock: "I feel more strongly than ever the necessity of discouraging any offensive

<sup>109</sup> Mr. Alcock to Taotai, and public notification, March 13th, 1848, *Insults*, p. 108.

<sup>110</sup> The quantity of rice was certainly not less than 100,000 tons; and the junks must have been manned by at least 20,000 hardy sailors.

<sup>111</sup> Mr. Alcock to Sir J. F. Davis, March 17th, 25th, 31st, 1848, *Insults*, pp. 94, 127, 138; Michie, "Englishman in China," i, pp. 129 seq.

<sup>112</sup> Michie, *op. cit.*, i, p. 135.

<sup>113</sup> Mr. Bonham to Lord Palmerston, March 25th, 1848, *Insults*, p. 92.

operations, which may embroil the two nations in hostilities, without the previous sanction of H.M. government."<sup>114</sup> Lord Palmerston approved of "the decision taken and the course pursued by Mr. Alcock," but added that, though the government approved, "yet this case must be considered as an exception to a rule, and not as a precedent for future guidance."<sup>115</sup>

§ 25. At Canton the people continued to show hostility, while Hsü Kwang-tsin, the acting High Commissioner and viceroy, continued to give prompt redress. On April 1st two Englishmen were stoned, across the river from, but within a mile of, the factories; within the week two identified culprits were exposed in the cangue, both within the factory grounds and at the scene of the outrage.<sup>116</sup> The High Commissioner having at first advanced the argument that no redress was possible because the Englishmen were "not accompanied by policemen and interpreters," the pretension was resisted, and Lord Palmerston expressed his entire approval.<sup>117</sup> On April 29th Mr. Bonham had an interview at the Bogue with the High Commissioner; the interview was satisfactory as to ceremonial, but Mr. Bonham reported that "Hsü is somewhat taciturn, and made but few remarks."<sup>118</sup> At this time, though nothing of it is shown in the official despatches, there appears to have been some attempt to revive some form of the old monopoly; and on May 10th the British consul issued the following notification:

"The Provincial Government having violated and set at nought the fifth article of the treaty of Nanking, and having sent a positive denial of reparation to the remonstrances and requisitions of the undersigned H.B.M. Officiating Consul at this port, he is constrained to request that all British merchants having duties and tonnage dues to pay into the Imperial Customs will withhold the same pending the pleasure of H.M. Plenipotentiary, to whom the points at issue have been referred."<sup>119</sup>

Five days later, under instructions from the plenipotentiary, this was withdrawn.<sup>120</sup> On August 30th, at Foochow, Mr. Parish, the assistant to the British consulate, was stoned while

<sup>114</sup> Mr. Bonham to Mr. Alcock, March 27th, 1848, *Insults*, p. 123.

<sup>115</sup> Lord Palmerston to Mr. Bonham, July 5th, 1848, *ibid.*, p. 169.

<sup>116</sup> Mr. Bonham to Lord Palmerston, April 10th, 1848, *ibid.*, p. 124.

<sup>117</sup> Lord Palmerston to Mr. Bonham, July 1st, 1848, *ibid.*, p. 168.

<sup>118</sup> Mr. Bonham to Lord Palmerston, May 4th, 1848, *ibid.*, p. 171.

<sup>119</sup> *Chin. Rep.*, May 1848.

<sup>120</sup> *Ibid.*, June 1848.

out riding within the city, and stated that this had occurred to him before; the viceroy was polite in his inquiries for Mr. Parish's health, and directed the issue of proclamations enjoining on the people to treat foreigners better.<sup>121</sup> On November 27th Mr. T. T. Meadows, while on his way from Whampoa to Canton, was attacked by pirates, and "only escaped with his life by jumping into the river and swimming ashore, after having shot two of his assailants"; thirteen of the parties implicated were tried on the general charge of piracy, and sentenced, eight to decapitation and five to transportation for life.<sup>122</sup> On this, Lord Palmerston observed that

"the extent to which capital punishment seems to be inflicted in China, is not in harmony with the feelings of the British nation on such matters; and it is not desirable that you should press for the decapitation of offenders except in cases in which such examples may really be required for the protection of British subjects, and by the gravity of the committed offence."<sup>123</sup>

This must be considered as meant for parliamentary consumption; but, for the making of an omelette, Asiatic rulers know only one method, the breaking of eggs.

§ 26. Lurking in the background of all the hostility thus manifested, and not so much, perhaps, a cause as a result, was always the question of the right of entry to the city of Canton, which, it had been arranged by the settlement of April 1847, should be deferred until April 1849. On June 7th, 1848, Mr. Bonham wrote to the High Commissioner suggesting that preliminary arrangements should be made for the approaching date; and, in his reply, Hsü pointed out all the disadvantages of insisting on the exercise of the right, warning the plenipotentiary that "this temporary arrangement was by no means the way to ensure perpetual protection or to secure lasting tranquillity to both sides."<sup>124</sup> On this, Lord Palmerston sent instructions to "warn him seriously of the consequences which would follow if he should refuse or neglect to fulfil faithfully the engagements which have been entered into by the Chinese

<sup>121</sup> *Insults*, pp. 185 seq.

<sup>122</sup> Mr. Bonham to Lord Palmerston, Dec. 29th, 1848, and Jan. 24th, 1849, *ibid.*, pp. 189, 190.

<sup>123</sup> Lord Palmerston to Mr. Bonham, May 12th, 1849, *ibid.*, p. 195.

<sup>124</sup> *Papers rel. proceedings of H.M. naval forces at Canton (1856)*, pres. both H. of Parliament, 1857, p. 150.

government and its officers."<sup>125</sup> Further correspondence having elicited further objections from the High Commissioner, Lord Palmerston wrote expressing his doubt of the practical value of the right of entry, and suggesting, as a compromise, that the right should be restricted to the plenipotentiary or the consul on occasions when they should visit the viceroy, attended by a Chinese escort."<sup>126</sup> After full consideration, he again instructed Mr. Bonham that it was

"inadvisable to proceed to hostile measures in regard to a privilege which, like the admission of British subjects into the city of Canton, we have indeed a right to demand, but which we could scarcely enjoy with security or advantage if we were to succeed in enforcing it by arms,"

and, in effect, authorised him to evade the issue.<sup>127</sup> Meantime the usual course in Imperial affairs was followed. Memorials to the throne were presented by Hsü Kwang-tsin, by Kiyang, by Muchangah, by others; and the net result at Peking seems to have been to direct the officials to temporise, throw the whole blame on the people of Canton, and carefully avoid a collision.<sup>128</sup> Among the people of Canton there was much excitement. Placards appeared in ordinary course, bold and truculent, and assuming a lofty tone of determination to resist foreign intrusion; the following extract may be taken as typical of them all:

"If the barbarians make a single move, then sound the tocsin in every place, and, united in mind and strength, at one beat of the drum we will take them, and absolutely kill every one of the barbarian rebels, and not leave a blade of grass an inch high, nor allow the creepers to spread."<sup>129</sup>

Processions of the militia took place every night, conducted with the utmost quietness and good humour,<sup>130</sup> but with a grim intention behind them. There were pilgrimages to the temples, too, especially to one situated near the Second Bar Pagoda, about twenty miles from the city, dedicated to the Great King of Vast Sanctity, who preserves his devotees from danger by fire and flood; to this temple between twenty and thirty thousand pilgrims resorted during the month of March.<sup>131</sup>

<sup>125</sup> Lord Palmerston to Mr. Bonham, Sept. 19th, 1848, Proceedings naval forces, p. 151.

<sup>126</sup> Lord Palmerston to Mr. Bonham, Oct. 7th, 1848, *ibid.*, p. 154.

<sup>127</sup> Lord Palmerston to Mr. Bonham, Dec. 30th, 1848, *ibid.*, p. 158.

<sup>128</sup> Proceedings naval forces, pp. 176-178.

<sup>129</sup> Chin. Rep., March 1849.

<sup>130</sup> *Ibid.*

<sup>131</sup> *Ibid.*

§ 27. An interview between the High Commissioner and Mr. Bonham was held at the Bogue on February 17th, but it was inconclusive; and, after some further correspondence, on April 1st Hsü communicated a copy of an Imperial rescript in which the Emperor declared that he could not oppose the unanimous opinion of the people of Canton, and could not force the right of entry to their city.<sup>132</sup> Mr. Bonham then proposed to call on the High Commissioner, within the city, but this offer was declined.<sup>133</sup> There was no help for it; the exercise of the right had to be abandoned. On August 24th, under instructions from Lord Palmerston, Mr. Bonham sent to the High Commissioner a formal protest, in which, after reciting the provisions of the treaties of Nanking and of the Bogue, the convention of April 1846, and the agreement of April 1847, the emperor was charged with failure to keep his treaty engagements, and was warned that, "whatever may happen in future between the two countries that may be disagreeable to China, the fault thereof will lie upon the Chinese government."<sup>134</sup> The English might nurse their wrath in silent dignity, but the Chinese were jubilant; once again had the barbarian been shut out from the sacred precincts of Canton. The Emperor, by an edict of May 7th, bestowed on the viceroy and the governor, "for their services in tranquillising the people and in managing the barbarians"—on the viceroy, Hsü Kwang-tsin, hereditary nobility of the fourth rank (viscount) and the double-eyed peacock's feather; on the governor, Yeh Ming-chin, hereditary nobility of the fifth rank (baron) and the single-eyed peacock's feather. On two of the leaders among the gentry the Emperor further bestowed brevet office and the button of the third civil rank, and he directed that others be recommended for further honours.<sup>135</sup> The viceroy and governor dedicated to the principal temples votive inscriptions ascribing the victory to the merits and the patriotism of the people,<sup>136</sup> and to those high officials the grateful people

<sup>132</sup> Proceedings naval forces, p. 181.

<sup>133</sup> *Ibid.*, pp. 181-183.

<sup>134</sup> Lord Palmerston to Mr. Bonham, June 25th, 1849, Proceedings naval forces, p. 191. Mr. Bonham to Hsü, Aug. 24th, 1849, *ibid.*, p. 205.

<sup>135</sup> Proceedings naval forces, p. 200.

<sup>136</sup> Dr. Bowring to Lord Clarendon, April 19th, 1852, Corr. rel. entrance into Canton, 1850-1855, p. 3.



of Canton presented honorific tablets, inscribed, "The People's Will strong as a walled City."<sup>137</sup>

§ 28. The exercise of the right of entry was perforce abandoned, but Lord Palmerston was not disposed to accept his defeat without protest. He had made his formal protest in general terms;<sup>138</sup> but when the jubilation of the people of Canton, and the dedication of tablets and bestowal of rank and honours on the viceroy and governor were reported to him, his wrath blazed out. He instructed the plenipotentiary to hand forthwith to the High Commissioner a protest, which was to be forwarded to the Imperial government at Peking, in which, after referring to the various marks of approval shown to the action of the Canton authorities, he reminded the Chinese government of the "mistake which was committed by their predecessors in 1839," and of the result of the military operations of the English undertaken in consequence.

"Now they appear to be encouraging and exciting among the people of Canton hostile feelings towards British subjects; but let them not deceive themselves—the forbearance which the British government has hitherto displayed arises, not from a sense of weakness, but from the consciousness of superior strength. The British government well knows that, if occasion required it, a British military force would be able to destroy the town of Canton, not leaving one single house standing, and could thus inflict the most signal chastisement upon the people of that city."<sup>139</sup>

On the same date, in expressing his approval of the action of Dr. Bowring, consul at Canton, in returning two despatches to the High Commissioner, "in consequence of irregularities in style and writing," Lord Palmerston sent to Mr. Bonham "a letter in a sealed cover which I have addressed to the Minister for Foreign Affairs at Peking," giving cover to copies of the two notes of protest addressed to the High Commissioner.<sup>140</sup> This was to be transmitted through the authorities at Shanghai.

§ 29. Mr. Bonham proposed that he should himself be the bearer of the letter to Peking.<sup>141</sup> He was instructed, in reply,

<sup>137</sup> Chin. Rep., May 1849.

<sup>138</sup> References as in n. 134.

<sup>139</sup> Lord Palmerston to Mr. Bonham, No. 68, Aug. 18th, 1849, in Public Record Office.

<sup>140</sup> Lord Palmerston to Mr. Bonham, No. 73, Aug. 18th, 1849, in Public Record Office.

<sup>141</sup> Mr. Bonham to Lord Palmerston, Oct. 28th, 1849, in Public Record Office.

that he might exercise his discretion in the matter; but that, if he decided to go in person, he was to be "careful not to give to your visit the character of a mission to the Emperor, invoking questions of etiquette, as you would thereby expose yourself to the chance of not obtaining reception."<sup>142</sup> After some consideration, Mr. Bonham contented himself with sending to the viceroy at Nanking copies of his notes to the High Commissioner at Canton, and with forwarding Lord Palmerston's sealed cover direct to the mouth of the Peiho in H.M. steamer *Reynard*. What happened to the copies sent to Nanking is not known; those sent (in June 1850) by the *Reynard* were rejected with contumely. An Imperial édict declared:

"The recent proceedings of foreigners at Tientsin, in impudently forwarding despatches direct to the Ministers of State, can be looked upon only as contumacious and insulting in the extreme. We have, accordingly, given our commands that no reply be handed to them, but that these documents be passed over in perfect silence, as if they were of no consequence whatever. Now, as our code of ceremonies has ordained that the officials of the Empire shall have no intercourse with foreigners, we therefore require that our Chief Ministers of State return no reply to said foreigners, lest by so doing they should give the slightest encouragement to their insolent arrogance. But whereas Hsü Kwang-tsin, our Viceroy at Canton, has hitherto conducted our affairs there in a very trusty manner, and has shown himself to be thoroughly acquainted with the diabolical schemes and manœuvres of foreigners, and seeing, moreover, that Canton is the first province that is reached by foreigners, we appoint that hereafter all such matters be referred to Hsü Kwang-tsin, and entrusted to his management."<sup>143</sup>

<sup>142</sup> Lord Palmerston to Mr. Bonham, Jan. 2nd, 1850, in Public Record Office.

<sup>143</sup> Imperial decree of July 4th, in North-China Herald, Aug. 17th, 1850.

## CHAPTER XV

### PIRACY, CONVOYING, AND SAILING-LETTERS INTERCOURSE WITH OFFICIALS TREATY REVISION

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§ 1. THE British government, from being over-cautious, and over-considerate of commercial interests down to 1840, had then adopted a bold policy of maintaining the rights and privileges of British subjects; but it was now again to assume an attitude of caution in dealing with the Chinese. Its representative, in the person of Sir J. F. Davis, had been energetic even in advance of the policy of the government; and now his successor, both from natural inclination and by the instructions of Lord Palmerston's successors as Foreign Secretary,<sup>1</sup> was to

<sup>1</sup> Lord Granville became Foreign Secretary in Jan. 1852; and, on a change of administration, Lord Malmesbury on Feb. 27th, 1852; and, on the Liberals again coming into power, Lord Clarendon in Jan. 1853.

follow the policy of relaxing the pressure. The Chinese people of Shanghai had been, and continued to be, friendly, while those of Canton had been, and continued to be, hostile, and the hostile Cantonese had seen their pretensions crowned with success. Of the high officials, Kiying, who tried honestly to carry out the provisions of the treaties, was in disgrace, and Hsü Kwang-tsin and Yeh Ming-chin, who zealously supported the Cantonese feeling, were lauded by the people and honoured by the Emperor. While the English were thus on the defensive, and the Chinese triumphant, the attention of the officials and people of Canton was further distracted by their dispute with the authorities of Macao;<sup>2</sup> and for some time the English, Americans, and others, at Canton, Amoy, and Foochow, were left comparatively unmolested. After two years, however, there was a revival of petty annoyances. In 1852 it was reported that "circumstances are constantly occurring at the different ports of China, which serve to show the unfriendly disposition of the Chinese authorities, and their desire to discourage the establishment of amicable relations."<sup>3</sup>

§ 2. The only incident of the kind which need be described is one which occurred at Amoy on November 21st, 1852. On that day, as an Englishman, Mr. Mackay, was passing a military guard-house, he was attacked by the soldiers and wounded on the head with a spear. Later another Englishman, Mr. Vallancey, was attacked from the same guard-house and seriously injured, receiving over ten wounds in various parts of his body. The next day a mob thronged in to the vicinity of the foreign quarter, uttering violent threats; and on the two following days they assumed so threatening an attitude that, on the 24th, an armed force was landed from H.M.S. *Salamander*. This held its ground in face of the mob for some time, but was finally forced back and compelled to fire, killing four and wounding five or more Chinese.<sup>4</sup> The local Chinese authorities approved the firing on the mob, and expressed their thanks for the help given in maintaining order; but behind the whole incident, and, possibly, behind the thanks, was an ugly question. The "free

<sup>2</sup> Cf. chap. xii, §§ 18-23.

<sup>3</sup> Dr. Bowring to Lord Malmesbury, May 17th, 1852, Corr. resp. insults in China, p. 198.

<sup>4</sup> Dr. Bowring to Lord Malmesbury, Dec. 27th, 1852, Corr. rel. emigration from China, pres. H. of Commons, Aug. 20th, 1853, pp. 32 seq.

labour" emigration of Chinese from Amoy had assumed considerable dimensions; and, however free from contract such emigration may be, brokers must be employed to secure a ship-load of coolies without delaying the ship. These brokers, having a pecuniary interest in each man shipped, were not above using false pretences to decoy labourers ignorant of the real conditions of their emigration; and the foreign firms employing the brokers, having also their pecuniary interest, were not above throwing over the acts of deception the aegis of their extra-territoriality, and claiming the right to protect the brokers as being Chinese in foreign employ.<sup>5</sup> On this occasion an emigration broker had undoubtedly decoyed emigrants by false pretences, and, becoming the subject of unwelcome attentions from the people of Amoy, he had been arrested and was confined in the guard-house referred to above. From this, on November 21st, he had been forcibly rescued by two Englishmen, Mr. Syme and Mr. Cornabé, of the shipping firm involved, with whom Messrs. Mackay and Vallancey had no connexion; hence the assault and the riot. For anything not in contravention of their national law the consular control over foreigners of all nationalities was ineffective; and all that could be done was to fine Mr. Syme \$200 and Mr. Cornabé \$20. Lord Clarendon's comment on the episode was a sigh of despair—"I cannot close this despatch without strongly expressing the disapprobation with which H.M. government view the conduct of Mr. Syme and other British subjects at Amoy with reference to the Chinese coolies. Those persons have brought disgrace on the British name and endangered British interests in China."<sup>6</sup>

§ 3. The British government did not allow its representative to drop the claim to exercise the right of entry to Canton. In October 1850 Lord Palmerston, quoting a sentence from Mr. Bonham's letter to the High Commissioner of April 9th, 1849—"the question at issue rests where it was, and must remain in abeyance"—wrote to express his apprehension lest this should have been worded in translation so as to convey to the Chinese the impression that the claim had been abandoned.<sup>7</sup>

<sup>5</sup> Cf. chap. xiv, § 6.

<sup>6</sup> Lord Clarendon to Sir G. Bonham, Feb. 24th, 1853, Corr. rel. emigration, p. 83.

<sup>7</sup> Lord Palmerston to Mr. Bonham, Oct. 8th, 1850, Corr. rel. entrance to Canton, 1850-1855, p. 1. Cf. chap. xiv, n. 35.

A change then came in British policy. In 1852 Sir G. Bonham<sup>8</sup> having been granted leave of absence, Dr. Bowring, consul at Canton, was appointed superintendent and plenipotentiary during the vacancy; but he was cautioned by Lord Granville to avoid all irritating discussions with the Chinese authorities, and not to resort to measures of force without previous reference home, except in extreme cases.<sup>9</sup> Dr. Bowring took his new duties seriously, and wrote on the situation in general, expressing his "strong conviction that, if the question of access to the city of Canton is carried, our other questions now pending will be of comparatively easy settlement";<sup>10</sup> but he was again directed to "adhere strictly to the instructions given you by Earl Granville."<sup>11</sup> Dr. Bowring having proposed to call on the High Commissioner, within the city walls, and having received the refusal which was to be expected, he was instructed that "it is not necessary that you should pursue this correspondence," and that, during his temporary incumbency, he was "not to raise any question as to the admission of British subjects into the city of Canton, and not to attempt yourself to enter it."<sup>12</sup>

§ 4. While this state of hostility and irritation existed, falling little short of a state of war, the English and the Chinese were co-operating, on terms of mutual help, in checking the piracy which existed the whole length of the coast. Piracy is not so much a vocation, as an avocation, in Chinese waters. When the fishers of the sea, or the boatmen, or even the farmers, of the inner waters, find their daily occupation bringing less than its usual reward, they turn readily to the plunder of others as a means of supplying their own needs; and when the government is weakened, and its power to maintain order is reduced, this water-way robbery becomes organised piracy, with its concomitant of murder of the plundered victim. In 1809, the year following that in which Admiral Drury and the forces under him had been expelled from Macao,<sup>13</sup> joint opera-

\* Mr. Samuel George Bonham was knighted on Nov. 22nd, 1850, and received a baronetcy on Nov. 22nd, 1852.

<sup>8</sup> Lord Granville to Dr. Bowring, Jan. 19th, 1852, Corr. rel. entrance 1850-1855, p. 3.

<sup>10</sup> Dr. Bowring to Lord Clarendon (sic), April 19th, 1852, *ibid.*, p. 3.

<sup>11</sup> Lord Malmesbury to Dr. Bowring, June 21st, 1852, *ibid.*, p. 10.

<sup>12</sup> Lord Malmesbury to Dr. Bowring, July 21st, 1852, *ibid.*, p. 12.

<sup>13</sup> Cf. chap. iii, § 4.

tions were conducted by the Chinese, with 60 junks (1200 guns), and the Portuguese, with 6 ships (118 guns), furnished with ammunition and supplies by the English East India Company, and "the system of piracy was finally suppressed"; between January and April 1810, over 400 junks, mounting 2500 guns, and 24,000 men were forced to surrender.<sup>14</sup> The piracy which had thus been finally suppressed, again raised its head. Its rise may have been furthered by the impotence shown by the government in dealing with its English enemies along the coast, and the general destruction of its war-junks; it may have been encouraged by the lawless proceedings connected with the smuggling of opium after 1839; but, in a greater degree, it was a manifestation, on the sea and in the inlets leading from it, of the discontent and the movement of rebellion which were covering the whole land. Piratical ships covered the waters from the borders of Tonkin to the mouth of the Yangtze, and even to the coast of Shantung, and they had received full equipment of arms under licences issued by the Chinese authorities during the hostilities with England.<sup>15</sup>

§ 5. Chinese trading-ships suffered enormously; and whenever foreign ships could be taken unawares, or foreigners found without efficient protection, they too suffered.<sup>16</sup> The prevalence of piracy was a "serious check to the resort of Chinese vessels to Hongkong," and there seemed no way of controlling it.<sup>17</sup> In 1843 the seas around Hongkong were infested by pirates, with their base of supplies in the colony itself;<sup>18</sup> and in 1847 "the waters of the colony swarmed with pirates," the whole coastline of Kwangtung and Fukien being virtually under the control of a piratical confederacy, to which trading and fishing junks paid regular blackmail.<sup>19</sup> At the mouth of the Yangtze, in 1848, "piracy continues to be the order of the day,"<sup>20</sup> and at

<sup>14</sup> Auber, "China: an Outline," p. 238; C. A. M. de Jesus, "Macao's Deeds of Arms," in *China Review*, vol. xxi, no. 3. In the "Peregrinação of Fernão Mendez Pinto," cited by Z. Volpicelli ("Early Portuguese Commerce and Settlements in China," *Journal North-China Branch Royal Asiatic Society*, vol. xxvii, 1892-1893), testimony is borne to the prevalence of piracy and the courage and determination of the pirates on the coasts of China in the first half of the sixteenth century.

<sup>15</sup> J. F. Davis, "China since the Peace," ii, p. 184.

<sup>16</sup> Cf. chap. xiv, § 25.

<sup>17</sup> J. F. Davis, *op. cit.*, ii, p. 184.

<sup>18</sup> Eitel, "Hist. Hongkong," p. 202.

<sup>19</sup> *Ibid.*, p. 239.

<sup>20</sup> *Chin. Rep.*, July 1848.

the close of that year several piratical vessels were seized outside;<sup>21</sup> while at the other end of the long coast, off Hainan, on June 27th, 1849, piracy was committed on a junk belonging to an Englishman.<sup>22</sup> The situation was serious; and as China showed no readiness or ability to do her duty in the matter, it was to the interest of the foreign powers to take the steps necessary to protect their own trade and restore tranquillity in the waters in which their ships sailed. England was the only power which in those days had a force in Chinese waters sufficient for the protection of her interests, and she, as usual, assumed the task of protecting all. On March 23rd, 1847, H.M. brig *Scout* brought into Amoy 3 pirate junks and 86 of their crews; after a preliminary examination, the pirates were handed over to the Chinese authorities, amid the rejoicings of the people of Amoy.<sup>23</sup> This was reported to Kiying three days before the British forces started on their expedition against Canton.<sup>24</sup> Between September 28th and October 3rd, 1849, six months after the final refusal to grant entry to the city of Canton, Commander J. C. Dalrymple Hay, with three British ships of war, the largest mounting 16 guns, destroyed in Kwangtung waters a piratical fleet of 23 junks, armed with 12 to 18 guns each and manned by 1800 fighting sailors; between October 19th and 22nd, 1849, also in Kwangtung waters, with three ships he destroyed 58 out of a fleet of 64 pirate junks, carrying 1224 guns and manned by 3150 men; and on March 4th, 1850, in Mirs Bay, close to Hongkong harbour, with one ship he destroyed a fleet of 13 pirate junks.<sup>25</sup> These three operations were carried out at the request of the Chinese authorities, and with the nominal co-operation of the Chinese navy; <sup>26</sup> and it is to be noted that the assassination of Governor Amaral occurred on August 22nd, 1849, the state of quasi-hostilities ensuing therefrom lasting until the following January, and that the *Reynard* was contemptuously sent away from the Peiho in June 1850.<sup>27</sup> During the years following, both piracy

<sup>21</sup> Chin. Rep., Dec. 1848.

<sup>22</sup> Ibid., Nov. 1849.

<sup>23</sup> Consul Layton to Sir J. F. Davis, March 24th, 1847, Corr. rel. operations, April 1847, p. 12.

<sup>24</sup> Cf. chap. xiv, § 19.

<sup>25</sup> Eitel, *op. cit.*, p. 270.

<sup>26</sup> Chin. Rep., Nov. 1849 and March 1850; Mr. Bonham to Lord Palmerston, March 28th, 1850, in Public Record Office.

<sup>27</sup> Cf. chap. xii, §§ 21, 22; chap. xiv, § 29.



and its suppression continued, until long after 1860, and along the whole coast. Operations were carried on during these years in the north as well. Thus, on September 18th, 1855, at Sheipu, on the coast of Chekiang, H.M. brig *Bittern*, 12, destroyed a pirate fleet of 23 junks with 1200 men, being towed into action by the Chinese war-steamer *Confucius*.<sup>28</sup> These operations were continued even while the two countries were openly at war, as exemplified, among other instances, by the action of H.M.S. *Surprise* in destroying, in May 1858, a large piratical fleet at Lintin.<sup>29</sup>

§ 6. One abuse to which this prevalence of piracy gave rise was the organisation of a system of convoy, not by the national ships, but by merchant ships, brigs, schooners, lorchas,<sup>30</sup> and papicos, relying on the superiority in discipline of the European over the Asiatic, and the prestige of the white man. A convoy fee was charged for protection, and it was earned; for example, in August 1850, the schooner *Alpha* and five lorchas, while convoying junks, had a hard-fought battle with a pirate fleet, captured five of the pirate junks and brought them into Ningpo.<sup>31</sup> Among the adventurous, however, the lawless predominate; and, from demanding convoy fees for protection given, it was a short step to levying blackmail on all peaceful traders, and the convoy system brought in its train the most terrible abuses.<sup>32</sup> The abuses were so manifest that, as early as 1848, British shipmasters were formally warned of the risk to themselves in undertaking convoy duty, and of their civil and criminal liability for any illegal acts they might commit while so engaged.<sup>33</sup> In so far as this injunction produced any

<sup>28</sup> North-China Herald, Oct. 13th, 1855.

<sup>29</sup> Eitel, "Hist. Hongkong," p. 239.

<sup>30</sup> Lorchas, a schooner with foreign hull, but having the handy masts and sails of the Chinese junk.

<sup>31</sup> North-China Herald, Aug. 10th, 1850.

<sup>32</sup> Michie, "Englishman in China," i, p. 302.

<sup>33</sup> "GOVERNMENT NOTIFICATION.—Whereas the attention of H.M. Plenipotentiary has been called to the fact that British vessels have heretofore been employed in convoying Chinese junks on voyages along the coast of China, and inasmuch as it has also been represented that acts of very questionable legality have taken place while such convoys were so employed: His Excellency deems it right to direct the attention of the masters of such convoys to the serious risk and grave responsibility to which they subject themselves while engaged in this service on their own authority, and to remind them that they undoubtedly render themselves liable to actions both of a civil and criminal nature for any illegal acts that they may commit, as well as for all

effect,<sup>34</sup> it did not check convoying, but only forced it into the hands of those among the English who were disposed to regard the restraint of no law. For the most part, the lucrative task of convoying was driven into the hands of those flying other than the British flag, and especially the Portuguese of Macao. An illustrative case occurred in September 1852, when a Portuguese lorch captured a junk laden with sugar, and took her into Ningpo; the Chinese authorities, after investigation, declared that she was a peaceful trader, armed for her own protection; the Portuguese consul, after an independent investigation, decided that she was a pirate and declared her a lawful prize, "taking, it is said, the vessel for himself, and dividing the cargo among her captors."<sup>35</sup>

§ 7. In the course of years the Portuguese undertook the entire protection of the whole of the Chinese seaborne commerce of Ningpo. They issued protection papers and levied protection dues on all trading-junks entering or leaving the port, or voyaging in the neighbouring waters. From the fishing-boats they collected convoy fees amounting to \$50,000, and from the timber-junks and other craft trading with Foochow \$200,000 a year;<sup>36</sup> dues from other categories of shipping must have brought the annual collection to a sum not less than \$500,000. The Portuguese consul, though Portugal was not a treaty power, exercised an extraterritorial jurisdiction unlimited in its extent; and in Ningpo it was generally charged that his judicial decisions were invariably such as would bring the largest sums into Portuguese pockets, and would not press unduly on Portuguese charged with crime. The officials and traders of Ningpo then adopted the wise step of arranging, on terms of blackmail, with a powerful chief of Cantonese pirates infesting Ningpo waters; and this body of pirates, turned passably honest, began to compete with the Portuguese in the industry of convoy and protection. Rivalry and friction ensued, consequences that may arise therefrom. Victoria, Hongkong, May 29th, 1848."—*Chin. Rep.*, June 1848.

<sup>34</sup> The right to engage in convoy work was upheld by a decision of the Supreme Court of Hongkong, Sept. 1848, and Lord Palmerston decided, in the same year, that Chinese vessels in tow of British merchant ships had a right to British protection.—*Eitel*, *op. cit.*, p. 272.

<sup>35</sup> *North-China Herald*, Sept. 25th, 1852.

<sup>36</sup> "These figures are startling, but I have taken pains to ascertain their correctness."—G. Wingrove Cooke, "China: being the Times Special Correspondence from China in the Years 1857-1858," p. 130.

dog began to eat dog, and, after three years of competition, affairs came to a crisis in June 1857. The Cantonese, collecting their forces, fought a winning fight, and followed the fleeing Portuguese lorchas up the river to Ningpo; there, on June 26th, a battle was fought in which the other Chinese and the other foreigners<sup>37</sup> were neutral onlookers, and in which the Portuguese were disgracefully beaten. In June the Portuguese had captured a French ship, and the French frigate *Capricieuse*, with the consul from Shanghai on board, arrived at Ningpo during the battle; she intervened to prevent the sacking of the Portuguese consulate, and received the survivors from the Portuguese fleet on board, to be taken to Macao for trial as pirates; and a claim was made on the Chinese authorities for the value of the French ship, captured by the Portuguese and, in turn, captured from them by the Cantonese. The Portuguese gunboat *Mondego*, in port at the time, was warned that, if she fired a single shot, she would be destroyed, and she left without firing the shot. Three Portuguese lorchas, genuine traders, were not molested in any way.<sup>38</sup>

§ 8. The convoy system continued, however, even at Ningpo, and in 1859 it was thought necessary for the treaty powers to intervene. In May of that year certain masters of lorchas were brought before the British consular court on a charge of levying blackmail, but the evidence produced was not of a satisfactory character, and the more serious charges could not be proved under English rules of evidence. All that could be done was to imprison one lorcha-man, Samuel Austin, for three months and fine him \$150, on a general charge of forcing Chinese junks to accept convoy, and having convoy offices at Tinghai and elsewhere with what purported to be the British flag flying before them. Another lorcha-man, Daniel Fergusson, was fined \$100 for breach of article v of the general regulations, which, after specifying the amount of tonnage dues leviable by the Chinese custom-house, stipulates that "the fees formerly levied

<sup>37</sup> On Aug. 4th, little over a month after this episode, an effective blockade of the Canton river was established by the British forces, which had maintained a hostile attitude for nine months previous. "Three hundred Chinese soldiers are being (Oct. 7th, 1857) conveyed in a British ship at five dollars a head from Shanghai to Swatow, en route for Canton."—Wingrove Cooke, op. cit., p. 158.

<sup>38</sup> Wingrove Cooke, op. cit., p. 130; North-China Herald, July, 4th, Aug. 1st, 8th, 1857.

on entry and departure, of every description, are henceforth abolished." The firm of Austin, Krall & Co., which maintained a fleet of lorchas for convoy duty, was required to withdraw all their boats from Chusan waters, under penalty of \$5000. Law appears to have been somewhat strained at this trial, but justice was unquestionably administered. At the same time the French consul ordered all French shipping to withdraw from Chusan waters, and to cease to engage in the business of convoying.<sup>39</sup> What action was taken by the American authorities is not recorded.

§ 9. Another result from the revival of piracy was the institution of the system of granting the protection of the foreign flag to individual ships, by the issue of "sailing-letters" or licences, valid for a year but renewable, and entitling the vessel to fly the national flag and to claim protection during the currency of the licence. The British navigation laws had been abolished in 1850, and registration in the British colony of Hongkong could easily be sanctioned by the mere act of passing a colonial ordinance; and, while the registration and navigation laws of other countries were then more rigid, the necessity was so urgent, and the inducements (from registration and shipping fees) so great, that the consulates of all nations assumed a power which was not legally theirs,<sup>40</sup> and they too issued sailing-letters to Chinese-owned ships, giving them the protection of the national flag. As late as 1861 the customs returns show that from the port of Shanghai alone, during the six months ending December 31st, there cleared "Ningpo boats and Hankow junks," 193 under the British, 129 under the American, and 50 under other foreign flags.<sup>41</sup> At Hongkong the necessity of adopting this method of protecting trade was even more urgent. There, to the persistent activity of the organised pirates in the outer waters, was added the danger from the rebels in the delta of the Canton river. Early in 1854 they

<sup>39</sup> North-China Herald, May 7th, 14th, 1859.

<sup>40</sup> "He (Dr. Parker, in 1854) found that the American flag was being abused, through the negligence or bad faith of consuls, by its illegal transfer to Chinese and other foreign vessels. The shipping and registry regulations of Great Britain made easy the transfer of its flag to such vessels, which was forbidden under American law, and, except through the connivance of consuls in authorising registry, American shipping was placed at a disadvantage in these times of disorder."—J. W. Foster, "Am. Dip. Orient," p. 220.

<sup>41</sup> North-China Herald, July 5th, 1862.

had overrun the province of Kwangtung almost up to the walls of Canton; by the summer they held the country as far as Fatshan to the west and Tungkun to the east, while from the south they advanced as far as Honam, on the river side facing Canton. By military operations, characterised by a savage ferocity and by ruthless executions,<sup>42</sup> the wave of rebellion was forced back enough to give a breathing space to Canton; but the waters from the city to the Bogue were long infested by the rebel forces. During September and October 1854 the city of Kowloon, on the northern shore of Hongkong harbour, was repeatedly taken and retaken by the rebel and Imperial forces, and the trade of Hongkong was on the brink of destruction. This was met by two ordinances (No. 4 of 1855 and No. 9 of 1856) passed under the governorship of Sir J. Bowring,<sup>43</sup> granting a colonial register and the use of the British flag to vessels owned by such Chinese residents as were registered lessees of crown lands within the colony of Hongkong.<sup>44</sup>

§ 10. In its legitimate aspect this system allowed foreign trade—the distribution of imports and the collection of Chinese produce for export—to receive protection at a time when it was quite out of the power of the responsible government to afford it. The protection was real. There was not only the respect shown to the foreign flag by the rebels, and by the Imperial troops, who marauded and plundered no less; there was also a certain reluctance among the pirates to bring against themselves a power which, though it might be unseen at the moment, struck with heavy blows when it struck at all; and there was the additional gain of having on board each vessel, whether lorch or junk, at least one person, the master, who should supply that occidental discipline and enthusiasm which is all that oriental courage needs to stir it to action. There was no

<sup>42</sup> "At Canton the executions were on a terribly huge scale, as many as seven or eight hundred persons being beheaded in a single day. A count taken at the city gates whence they all issued on their way to the field of blood near the river, revealed the fact that fully eighty thousand were thus executed in the year 1855."—Williams, "Middle Kingdom," ii, p. 632.

"In the city of Canton alone during six months (1855) 70,000 men were executed; in Shuihing that number was exceeded. . . . Upwards of 100,000 must have been beheaded in the Canton field of blood, which is a potter's field."—Scarth, "Twelve Years in China," p. 238.

<sup>43</sup> Dr. John Bowring, LL.D., was knighted Feb. 16th, 1854.

<sup>44</sup> Williams, *op. cit.*, ii, pp. 629–684; Eitel, "Hist. Hongkong," p. 302; James Legge, Lecture at Hongkong, Nov. 5th, 1872, in *China Review*, vol. i, p. 163.

pretence that these vessels, flying the foreign flag, were foreign-owned; but they received the right to fly the flag for the furtherance of foreign interests; and there was a clear covenant that, so long as they conformed to certain regulations, they should receive the same protection as if they were foreign-owned. The lorch *Arrow*<sup>45</sup> was actually owned by a Chinese named Fong Ah-ming, a Chinese merchant resident in Hongkong, and had on board as master Thomas Kennedy, a British subject.

§ 11. Yeh Ming-chin was appointed Canton viceroy and High Commissioner for foreign affairs in August 1852, Hsü Kwang-tsin having been transferred to the Wuchang viceroyalty, with special charge of suppressing the rebellion which was then threatening the Yangtze basin. From that time the practice of ignoring the foreign representatives became a part of the settled policy of the Chinese government, as it was carried into effect by its Foreign Office, embodied in the Emperor's High Commissioner at Canton. In 1848 it was only after some attempts at putting him off that the American commissioner, Mr. John W. Davis, obtained an interview with Viceroy Hsü, for the purpose of presenting his credentials; and at this interview, held on October 6th in a packing warehouse adjoining the foreign factories, Mr. Davis was treated with extreme rudeness. "The viceroy (Hsü) and the governor (Yeh) carried on a sort of interlocation in the intervals of general conversation, in which he (the viceroy) exhibited no interest; the contrast between the hauteur and ignorance of these two high officers, and the inquisitiveness and affability of their predecessors, Kiyang and Hwang, is very great."<sup>46</sup> There is no record that the French representative, Monsieur A. de Bourboulon, made any request for a personal interview at any time, from his appointment in February 1852, until his departure on leave in November 1855,<sup>47</sup> except that, in 1853, he "had been waiting at Macao fifteen months for a personal interview";<sup>48</sup> and Dr. Peter Parker, American chargé d'affaires, 1846-1848 and 1850-1852, obtained no interview. Mr. Humphrey Marshall, appointed American commissioner in 1852, wrote to Com-

<sup>45</sup> Cf. chap. xvi, § 6.

<sup>46</sup> Chin. Rep., Oct. 1848. The editor, Dr. Bridgman, was present at this interview, and had attended interviews with Kiyang.

<sup>47</sup> Cordier, "Expédition de Chine, 1857-1858," p. 5.

<sup>48</sup> J. W. Foster, "Am. Dip. Orient," p. 205.

missioner Yeh, on his arrival at Canton, asking for a personal interview at which to present his credentials; the High Commissioner replied that "as soon as his pressing engagements would allow, he would select an auspicious day." It seemed unlikely that a day would soon be found of sufficiently good omen, and Mr. Marshall proceeded to Nanking, to request the viceroy there to send his letters of credence to Peking. Having been there referred back to Commissioner Yeh as the only official commissioned to deal with foreign affairs, he determined to proceed to the mouth of the Peiho, but the American naval authorities were unable to place a ship of war at his disposal.<sup>49</sup> He then returned to Canton, and again asked for an interview with Commissioner Yeh, who again used the same form in postponing the matter to a more auspicious day; and the same answer was returned when, in January 1854, he asked for a farewell interview.<sup>50</sup> Mr. Robert M. McLane, having been appointed American commissioner, arrived at Hongkong in March 1854. In anticipation of his arrival, Dr. Parker, as *chargé d'affaires*, had written requesting the appointment of a date for an interview; Commissioner Yeh expressed his pleasure at hearing of Mr. McLane's appointment, and "regretted that he was too busy at the time to see the new envoy, but that, as soon as his pressing engagements would allow, he would select an auspicious day." Mr. McLane, too, then proceeded to Nanking, but with a no more successful result than Mr. Marshall, being also referred back to Commissioner Yeh. He refused absolutely to have any further dealings with Yeh; but, on the urgent representations of the governor of Kiangsu, whom he saw at Shanghai, he consented to return to Hongkong, to make one more attempt to see the High Commissioner,<sup>51</sup> and for the purpose of conferring with the British and French representatives.<sup>52</sup>

§ 12. In the instructions<sup>53</sup> sent to him on his appointment as British plenipotentiary, governor, and superintendent, Sir J. Bowring was informed that the treatment of the questions at

<sup>49</sup> J. W. Foster, *op. cit.*, pp. 205-207.

<sup>50</sup> *Ibid.*, p. 213.

<sup>51</sup> Cf. appendix R.

<sup>52</sup> J. W. Foster, *op. cit.*, p. 214-215.

<sup>53</sup> Lord Clarendon to Sir J. Bowring, Feb. 13th, 1854, *Corr. rel. entrance*, 1850-1855, p. 13.

issue required much caution, and that commercial interests must not be imperilled; and, in his reply,<sup>54</sup> he stated that two questions were most prominent—non-admission into Canton city, and the difficulty of obtaining personal intercourse with the authorities—and that, before taking the step of proceeding to Peking, he would give Commissioner Yeh an opportunity of receiving him within the city. He accordingly wrote to the High Commissioner, who replied that “having just now the management of military operations in various provinces, my time is completely occupied, but, when I obtain a little leisure, I will certainly select an auspicious day for meeting your Excellency.”<sup>55</sup> Lord Clarendon then enjoined on Sir J. Bowring not to “risk meeting with any indignity that will require to be avenged, and this more particularly at a moment when the aid of the British naval force in the Chinese Sea might not be available for that purpose.”<sup>56</sup> The Crimean war was then on, and, though the British ships in Chinese waters might not be drawn away, they must be available to contain the Russians at Nicolaievsk and in the Pacific. After further correspondence Commissioner Yeh proposed to receive Sir J. Bowring in a packing warehouse on the riverside, but this was declined. Sir J. Bowring then, in his turn, proceeded north and entered into communication with the Nanking viceroy, but was by him referred back to Commissioner Yeh as the “only official authorised to treat on any subject with a foreign envoy.”<sup>57</sup> On December 7th, referring to the advance of the rebels, Commissioner Yeh wrote to Sir J. Bowring proposing that, “as British ships of war are in the river for purposes of protection, it is proper that we should act in concert in the important design of destroying and capturing these offenders.” Sir J. Bowring replied that his government could not “interfere with the political or domestic dissensions of foreign nations,” except to protect British interests directly involved; but he communicated a scheme of operations for the protection of foreigners, which had been drawn up conjointly by Admiral

<sup>54</sup> Sir J. Bowring to Lord Clarendon, April 25th, 1854, *Corr. rel. entrance*, 1850-1855, p. 13.

<sup>55</sup> Commr. Yeh to Sir J. Bowring, April 25th, 1854, *ibid.*, p. 15.

<sup>56</sup> Lord Clarendon to Sir J. Bowring, July 5th, 1854, *ibid.*, p. 16.

<sup>57</sup> Viceroy Iliang to Sir J. Bowring, July 18th, 1854, *ibid.*, p. 26. Cf. *postea*, § 14.



Stirling of the British navy and Commodore Abbot, commanding the American squadron, and asked for an interview. The High Commissioner evinced no great depth of gratitude, and neither then nor later did he find an auspicious day for an interview.<sup>58</sup>

§ 13. By the American and French treaties<sup>59</sup> the international agreements were open to revision at the end of twelve years, that is in 1856; the English had acquired the right by their most-favoured-nation clause,<sup>60</sup> and this would enable them to claim revision in 1854; and the representatives of all three powers were agreed that their relations with China needed alteration on many points. The three envoys were accordingly instructed to act in concert and to open the subject with the Chinese government, but all three were warned not to commit their own governments to the exercise of armed force—the English and French because they were then engaged in the Crimean war,<sup>61</sup> and the Americans because, among other reasons, the power to declare war lay with the legislative, and not the executive, branch of the government, and it would have been a usurpation of authority for the president to sanction in advance any action which would have involved the country in hostilities. In negotiating, with hands thus tied, for the revision of treaties, special importance was attached to the following points:<sup>62</sup>

1°. To obtain access generally to the whole interior of the Chinese empire, as well as to the cities on the coast; or, failing this,

1<sup>a</sup>. To obtain free navigation of the Yangtze, and the opening of Chinkiang and Nanking, “and also the large and populous cities within the seaboard of Chekiang [i.e. Hangchow and Wenchow].”

2°. To effect the legalisation of the opium trade.

3°. To secure the abolition of inland transit dues.

4°. To provide for the effectual suppression of piracy on the coast of China.

5°. To regulate the emigration of Chinese labourers.

6°. To provide for the residence of foreign envoys at Peking; or, failing this,

<sup>58</sup> Corr. rel. entrance, 1850-1855, pp. 27-37.

<sup>59</sup> Am. tr. Wanghia, 1844, art. xxxiv; Fr. tr. Whampoa, 1844, art. xxxv.

<sup>60</sup> Brit. tr. Bogue, 1843, art. viii.

<sup>61</sup> The British and French fleets entered the Bosphorus, at the invitation of Turkey, Oct. 22nd, 1853; war was declared against Russia, March 27th, 1854.

<sup>62</sup> Cf. appendix Q.

6<sup>a</sup>. To regulate the correspondence between the foreign envoys and the "Chinese chief authority at the seat of government."<sup>63</sup>

7<sup>a</sup>. To secure direct access of foreign envoys to viceroys.

8<sup>a</sup>. To provide that the treaties shall be interpreted by the wording of the foreign text.

It will be useful to consider these demands when we come to the negotiation of the treaties of 1858.

§ 14. These instructions were sent to the British representative, and the American and French envoys were instructed to give their support and co-operation. The three envoys first communicated with Commissioner Yeh, who informed them in reply that he unfortunately could not find time for a personal interview; but he sent two deputies to a conference, and through them declared that he "only possessed power to make inconsiderable modifications in the existing treaties," and that, in point of fact, no great changes seemed to be called for. As it seemed useless to continue negotiations at Canton, the three envoys proceeded to Shanghai in September, and there, after an exchange of notes with the Nanking viceroy, held conferences with Koerhangah,<sup>64</sup> governor of Kiangsu, on September 30th and October 3rd. Their reception was courteous, and a frank talk on the questions at issue took place between the two sides. The Chinese representative, however, informed the envoys that he had no powers, but that, whatever Yeh might have said, full powers had been sent to the High Commissioner at Canton; and he adduced many reasons to dissuade them from proceeding farther north. The envoys record their full acceptance of Koerhangah's assurances, but persisted in their decision to proceed north.<sup>65</sup>

§ 15. Sir J. Bowring and Mr. McLane were provided each with one national ship of war, in order to present a respectable appearance without any unnecessary display of force. M. de Bourboulon could not, through an accident, be provided with a French ship of war, and thought that he could not becomingly go under a foreign flag; and he sent his despatches by the hands of one of his legation staff, Comte Kleczkowski. The

<sup>63</sup> Already suitably regulated: Am. tr. Wanghia, 1844, art. xxxi; Fr. tr. Whampoa, 1844, art. xxxiv.

<sup>64</sup> Koerhangah was a Manchu, but is called in the documents Keih. (Cf. appendices R, S.)

<sup>65</sup> Cf. appendices R, S.

party arrived off the mouth of the Peiho on October 15th, and, after waiting for some days, were received in a way which "was a shameful disregard of the courtesies so usual with Chinese officials, and could only be interpreted as a studied affront to the foreigners who had made themselves unwelcome guests."<sup>66</sup> The Chinese representatives, Wenkien and Tsunglun, officials of no high rank, stated generally that they had no full powers or authority to negotiate, but were commissioned only to hear what the envoys had to say. They further informed the British envoy that he could not claim revision by virtue of any provision in the American treaty; and stated to the American envoy that the "inconsiderable modifications"<sup>67</sup> provided for in his treaty could not possibly be extended to cover such considerable changes as were now proposed. There seemed no hope of any successful result from negotiations conducted under such conditions, and the envoys returned south,<sup>68</sup> convinced, as they reported to their respective governments, that no revision of the treaties or improvement in the conditions of intercourse and trade could be obtained, unless supported and enforced by a demonstration of armed force.<sup>69</sup>

§ 16. The next attempt at revision was made in 1856, the date settled by the American and French treaties, when it was thought that the Imperial government, apparently powerless before the widespread rebellion,<sup>70</sup> would be the more willing to bid for the neutrality, or the support, of foreign nations. Dr. Peter Parker,<sup>71</sup> stonemason, surgeon, divine, and diplomat, secretary of legation, and six times chargé d'affaires, was in 1855 appointed American commissioner in China. On the subject of treaty revision he held extreme views, in some respects sound and destined to be carried into effect, in others visionary; and these views he obtained the consent of his government to bring to the attention of the Chinese government, with the merciful

<sup>66</sup> J. W. Foster, *op. cit.*, p. 217. Cf. chap. xiv, § 29.

<sup>67</sup> Am. tr. Wanghia, 1844, art. xxxiv.

<sup>68</sup> The Peiho freezes about, or soon after, the end of November.

<sup>69</sup> Appendices U, V; J. W. Foster, "Am. Dip. Orient," pp. 217-218; Cordier, "Expédition, 1857-1858," p. 5.

<sup>70</sup> Cf. chap. xvii, § 16.

<sup>71</sup> "Gros homme, âgé de cinquante ans environ, à la démarche lourde et pénible, à la tournure épaisse, aux apparences vulgaires, à l'esprit pénétrant, rusé et subtil."—"Souvenirs du Marquis de Courcy," cited in Cordier, *op. cit.*, p. 7.

proviso that there should be no effusion of blood. Passing through London and Paris he obtained the general support of Lord Clarendon and Comte Walewski, who instructed their respective representatives in China to co-operate with Dr. Parker in so far as accorded with their judgment.<sup>72</sup> Dr. Parker's proposals were as follows :

1°. The residence in Peking of the three foreign envoys, and the despatch of Chinese representatives to Washington, London, and Paris.

2°. The unlimited extension of the trade of the three nations to the whole of the empire.

3°. Freedom of religious belief for all Chinese subjects.

4°. Reform of the Chinese courts of justice.<sup>73</sup>

§ 17. Sir J. Bowring was in accord with the first two of these proposals, though, on the first, he thought little of the plan of having Chinese envoys sent abroad, and on the second he preferred the alternative plan of opening the Yangtze to trade;<sup>74</sup> the third and fourth he considered visionary and impracticable. In his judgment a much more important matter was the rectification of the relations between China and foreign powers, as exemplified by the hostility of the people at Canton, and the attitude of the High Commissioner—"this neglectful and insulting silence is in itself a grievance of an intolerable character; the succession of Imperial honours which have been showered down on the Imperial Commissioner appear to have made him wild with pride and vanity, and I am by no means sure that the simplest and safest policy would not be to humble that pride by *insisting* on an official reception at Canton." He anticipated Dr. Parker's "utter failure," held that a weak demonstration would "confirm the obstinacy of the court and the mandarins," and informed Lord Clarendon that, "if any serious efforts are to be made to extend and improve our relations with China, ships of war are absolutely necessary."<sup>75</sup> He accordingly offered Dr. Parker his full diplomatic support, but, as the American envoy was to be escorted by only two ships of war, refused to accompany him north on what he predicted would be a fruitless mission.

§ 18. The French chargé d'affaires, Comte de Courcy, had received advices from Paris, but definite instructions reached him

<sup>72</sup> Appendix T; Cordier, op. cit., p. 11.

<sup>73</sup> Cordier op cit., p. 10.

<sup>74</sup> Cf. ante, § 13.

<sup>75</sup> Cf. appendices U, V.

only on July 17th, too late to authorise him to take an active part in the revision proceedings. He was nevertheless prepared to adopt the line of action taken by Sir J. Bowring, and gave his benevolent diplomatic support. He wrote informing Commissioner Yeh that the French government fully supported the other two governments in their demand for the redress of grievances, and that the most cordial relations existed between the three powers; and he reminded Yeh of the existence of the most-favoured-nation clause in the French treaty. The High Commissioner replied that there was no reason for any change in the existing treaty provisions, but that, if, in an impulse of generosity, his Sacred Majesty should accord any special privileges, immunities, or favours to one, they would also be for the benefit of all the world.<sup>76</sup>

§ 19. Dr. Parker proceeded, then, alone to the north, leaving Hongkong on July 1st. He was delayed at Shanghai, first by the absence of his ships of war, and then by the promise of the Chinese authorities that negotiations should be begun there forthwith. Conference succeeded conference, talk was drowned in talk, and the skilled Chinese diplomats kept the blunt missionary in leash from day to day, until it became too late to go to the Peiho. Disappointed in his hopes, he returned to Hongkong in November, to find "that English patience with the Chinese authorities had been exhausted, and that a state of flagrant war existed."<sup>77</sup>

<sup>76</sup> Cordier, *op. cit.*, pp. 13-17.

<sup>77</sup> J. W. Foster, *op. cit.*, pp. 221-223. Cf. chap. xvi, § 16.

## CHAPTER XVI

### THE LORCHA "ARROW"

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§ 1. DURING this time the foreign residents of Mid-China—Shanghai and Ningpo—lived their ordinary life and enjoyed their reasonable pleasures, without molestation or insult from the people of the country. At the end of 1848 it is recorded that the "security enjoyed by foreigners residing in Shanghai is gradually extending," and instances were given of several trips into the country taken by foreigners.<sup>1</sup> In August 1851, for no

<sup>1</sup> Chin. Rep., Dec. 1848.

reason assigned, placards appeared at Shanghai denouncing all foreigners, and threatening them with instant destruction;<sup>2</sup> and in September 1852 an Englishman and an American, while on a trip into the country, were robbed of all they had on their persons.<sup>3</sup> In June 1856, the foreign residents at Ningpo were reminded that, while a certain temple near the city was a "place to which the public may legitimately repair according to treaty," still they were not entitled to its exclusive use.<sup>4</sup> Apart from these, there is no record of any acts of molestation affecting the security or the comfort of the foreign residents at these ports.

§ 2. While the foreign representatives and Commissioner Yeh were engaged in the diplomatic battle over treaty revision, the people of Canton showed a disposition to renew their acts of aggression against the foreign residents. In June 1856, placards of a threatening nature reappeared, warning foreigners that, if they entered the city or wandered about into the villages, they would be exterminated.<sup>5</sup> On July 2nd two Englishmen, riding quietly just outside Canton, were hooted and stoned.<sup>6</sup> In replying to the consul's complaints, Commissioner Yeh promised to do what he could in regard to the placards, but, as to the assault, he said that, in the vicinity of Canton, foreigners must go by water and not by land. On July 3rd, at Foochow, in a disturbance originating with Cantonese, an American named Cunningham was so severely injured that he died within ten hours, and the disturbance was with difficulty prevented from expanding into a general riot.<sup>7</sup> In September an English missionary, the Rev. W. C. Burns, was arrested by the Chinese authorities, near Chaochowfu, having travelled overland from Shanghai in Chinese costume, and, in accordance with the treaty, was sent to the consul at Canton. In consequence of the unrest in all parts of the country, Sir J. Bowring directed that he should not return to the district from which he had been sent away.<sup>8</sup>

<sup>2</sup> North-China Herald, Aug. 9th, 1851.

<sup>3</sup> Ibid., Oct. 2nd, 1852.

<sup>4</sup> Notification by Mr. Robert Hart, assistant in charge of British consulate, June 21st, 1856, North-China Herald, July 12th, 1856.

<sup>5</sup> Corr. rel. insults, p. 213.

<sup>6</sup> Sir J. Bowring to Lord Clarendon, July 8th, Sept. 3rd, 1856, *ibid.*, pp. 214, 221.

<sup>7</sup> Ibid., p. 217.

<sup>8</sup> Sir J. Bowring to Lord Clarendon, Oct. 8th, 1856, *ibid.*, p. 224.

§ 3. The foreign representatives were in a state of irritation at the determination of the Chinese government that they were entitled to treat only with its High Commissioner at Canton, and at the persistent refusal of the High Commissioner to see them, or to hear them, or to consider in any way the subject of treaty revision which they had been instructed to bring forward; Commissioner Yeh was exasperated at the pertinacity of the envoys in demanding interviews, and in pressing the treaty revision, which he and his government considered untimely and unnecessary; and the people of Canton showed that their feelings were unchanged from those of seven and fifteen years before. Into this combustible mass was now flung an incident which was to be the exciting cause of a war; but, before describing it, it will be useful to give particulars of a similar incident which had occurred at Shanghai. On March 6th, 1854, as Mr. Ayer's pilot-boat, flying the American flag, was entering Shanghai harbour, the Taotai's armed ship *Cloven* fired a shot at her, to bring her to, hauled down the flag, and forcibly removed the master or pilot, Mr. Linklater, and six of the crew (Chinese), taking them on board the Chinese war-vessel *Compton*; Mr. Linklater was released, but the sailors were detained and tied up. The ground for this act was that the pilot-boat had as ballast a quantity of cannon-shot, which, it was feared, might be sold to the rebels, then occupying the city. The American consul<sup>9</sup> protested, declaring that "under no pretence whatever shall property or persons, while under the protection of the American flag, be molested by the Chinese authorities with impunity; but, if any claim is supposed by them to exist against persons or property under the American flag, the complaint must be made to him, the only person known in the treaty to have the power of settlement." Ultimately, in order to obtain redress, the U.S. frigate *Plymouth*, on March 20th, dropped down alongside the *Compton* with shotted guns, and at noon on the 21st the American flag was hoisted to the fore-royal-masthead of the *Compton* and saluted with twenty-one guns. Editorially the hope was expressed that this prompt action would "check the insolent bearing of those in command of the Taotai's ships, who frequently, on

<sup>9</sup> The first official consul, not being a merchant, of the United States, Mr. Robert C. Murphy, had arrived less than three weeks before.



some frivolous pretence, fire upon boats passing up and down the river."<sup>10</sup>

§ 4. On October 8th, 1856, the Hongkong-registered lorcha *Arrow* lay off the city of Canton, flying the British ensign at the mizzen-gaff, and the blue-peter at the foremast-head to indicate that she was ready to sail. Between 8 and 8.30 a.m. she was boarded by four Chinese officers and about sixty soldiers, who hauled down, first the British flag, and then the blue-peter; and all the crew, Chinese, twelve in number, were bound and taken from the lorcha into the guard-boats. The master, Thomas Kennedy, was at the moment visiting another lorcha close by, and returned on board before the soldiers left with their prisoners; he immediately rehoisted the British flag, and protested against the arrest and removal of his crew. The consul, Mr. Harry S. Parkes, went personally on the guard-boat while the prisoners were still on board, and demanded that they should be taken to the consulate for examination; this was refused. He thereupon wrote to Commissioner Yeh, pointing out that "an insult so publicly committed must be equally publicly atoned," demanding that the crew should be returned to the *Arrow* in the consul's presence, and declaring that, if charged with any crime, they would then "be conveyed to the British consulate, where, in conjunction with proper officers deputed by your Excellency for the purpose, I shall be prepared to investigate the case."<sup>11</sup>

§ 5. Commissioner Yeh declared that he had sent on board the *Arrow* to arrest a notorious pirate, one Li-Ming-tai, then on board, and that this man certainly, and presumably the rest of the crew, had been concerned in an act of piracy committed at Shangchuen on September 6th; that the British flag was not flying at the time, and therefore could not have been hauled down; that the lorcha was owned by one Su Ah-cheng, a Chinese subject, and was, consequently, not entitled to British registration or the use of the British flag. He might have added, but did not know it at the time, that her colonial certificate of registry, renewable annually, issued on September 27th, 1855, had expired eleven days before.<sup>12</sup> To take the

<sup>10</sup> North-China Herald, March 11th, 25th, 1854.

<sup>11</sup> Papers rel. proceedings of H.M. naval forces at Canton, Oct.-Dec. 1856, pres. both H. of Parliament, 1857, pp. 1-10.

<sup>12</sup> Ibid., p. 4.

status of the lorch a first, we have to consider the ownership, the right to registration, the presence of the flag, and the expiry of the sailing-letter.

§ 6. Owing to the inability of the Chinese government to exercise effectively its police powers,<sup>13</sup> the Hongkong government had sanctioned the registration as British ships of vessels owned in the colony, whether owned by British subjects or by Chinese residents. The Chinese government might have protested against this, but did not, and in fact it recognised the measure as one calculated to keep open the channels of trade, without expense to itself or the need of exertion by itself; but any protest must have been addressed to the British authorities and treated diplomatically, and an act of aggression on an individual ship thus granted British papers could be considered only as a means of administering a slap to the responsible British authorities. The ownership was Chinese; this was admitted, but it was in accord with the registration ordinance that it should be so; "Fong Ah-ming, of Victoria, Hongkong, Chinese trader," was the registered owner, as shown on the certificate of registration (which, under treaty regulations,<sup>14</sup> was deposited at the consulate while the vessel was in port), two British subjects going on his bond;<sup>15</sup> but one Kwan Tai, of Macao (and no one named Su Ah-cheng), was interested in a pre-existing claim on the vessel.<sup>16</sup> When the ordinance No. 4 of 1855 was passed, in communicating it to the Colonial Secretary, Sir J. Bowring referred to it as "necessitated by the peculiar condition of public affairs in China," but drew attention to the ease with which irregularities might be committed by the agency of its provisions.<sup>17</sup> The possible irregularities attracted no attention in London; but, as the result of communication between the various departments, instructions were sent to the Hongkong government that it was doubtful if the colonial registration of vessels belonging to Chinese could be held to be

<sup>13</sup> Cf. chap. xv, §§ 9, 10.

<sup>14</sup> Brit. tr. Bogue, 1843, art. xvii, 2°, 3°.

<sup>15</sup> Proceedings naval forces, 1856, p. 4; Statement of W. T. Mercer, Colonial Secretary, Feb. 3rd, 1857, Further papers naval proceedings, Dec. 1856-Feb. 1857, p. 12.

<sup>16</sup> Statement in China Mail, Dec. 11th, 1856, declared by Mr. Mercer, loc. cit., to be "entirely correct."—Naval proceedings, p. 134.

<sup>17</sup> Sir J. Bowring to Sir G. Grey, March 9th, 1855, Corr. resp. registration of colonial vessels at Hongkong, 1857, p. 1; Sir J. Bowring to Lord J. Russell. Sept. 4th, 1855, *ibid.*, p. 5.

expressly granted under the Merchant Shipping Act,<sup>18</sup> and that another ordinance should be passed, declaring the "lawfulness of the use of the British flag in vessels registered in the name of Chinese residents."<sup>19</sup> This was done,<sup>20</sup> and the Hongkong government, and through it the British government, was committed to give protection to vessels so registered, and to decide that any question regarding their status should be referred to the decision of British courts, and not Chinese.

§ 7. The flag was flying on the lorcha, and was hauled down; of this there is little doubt. We have, in support of the fact, the sworn depositions<sup>21</sup> of T. Kennedy, master of the lorcha *Arrow*, and of J. Leach, master of the lorcha *Dart*, which lay only fifty yards away; while, against it, we have only the statements of Chinese soldiers and policemen, whose testimony is notoriously untrustworthy when they are interested parties. But the point is not vital; flags are hoisted on ship-board at 8 a.m. daily, and not before, and it would have been of small importance whether the lorcha was boarded at 7.30 or at 8.30. The certificate of registration had expired eleven days before. Sir J. Bowring wrote on this: "I will consider the regranting the register of the *Arrow* if applied for; but there can be no doubt that, after the expiry of the licence, protection could not be legally granted."<sup>22</sup> As applied to the *Arrow*, the opinion which the governor then held was unquestionably wrong. The lorcha had last left Hongkong on September 1st for Canton; from Canton proceeded to Macao, where she lay a fortnight, painting and refitting; then loaded (by transshipment, presumably) outside Macao, discharged part of her cargo at Macao, and carried the rest to Canton, where she entered on October 3rd; and was on the point of sailing, on October 8th, for Hongkong.<sup>23</sup> Ordinance No. 4 of 1855, § x, declared that the colonial register should be in effect for one year, and was then renewable on payment of a fee of ten dollars, "provided always that such register be deposited in the office of the Colonial Secretary one week before the expiration

<sup>18</sup> 17 & 18 Vict., c. 104.

<sup>19</sup> Mr. Labouchere to Sir J. Bowring, Dec. 12th, 1855, Corr. resp. registration, p. 8.

<sup>20</sup> Ordinance No. 9 of 1856, enacted May 20th, 1856.

<sup>21</sup> Naval proceedings, Oct.-Dec. 1856, pp. 8, 9.

<sup>22</sup> Sir J. Bowring to Mr. Parkes, Oct. 13th, 1856, *ibid.*, p. 12.

<sup>23</sup> Mr. Parkes to Sir J. Bowring, Oct. 12th, 1856, *ibid.*, p. 11.

of the year for which the register has been granted, or, if the registered ship or vessel be at sea, then on her return to the waters of the colony." To assert that the protection of the flag was not to continue until the earliest date when the owner in Hongkong could apply for the renewal of the register, would be to require that, regardless of the vicissitudes of weather, piracy, accident, or illegal detention by a foreign power, the vessel must always have returned from her trading voyages to Hongkong a week before the date when her register lapsed.

§ 8. The most serious offence committed was the arrest of the crew without a warrant from the consul. A British ship in Chinese waters is British soil, and all on board, persons or property, are under British protection. Extraterritorial jurisdiction was, in 1856, exercised under the provisions of the treaty of the Bogue, 1843. The crew of the *Arrow* were Chinese. If, being on the ship's articles, they are considered to be pro hac vice British subjects, the case was governed by art. xiii of the general regulations: "Regarding the punishment of English criminals, the English government will enact the laws necessary to attain that end, and the consul will be empowered to put them in force." Even if they were considered as Chinese subjects escaping from justice, then art. ix of the treaty of the Bogue applied: "If lawless natives of China, having committed crimes or offences against their own government, shall flee to . . . English merchant ships for refuge . . . if, before such discovery is made by the English officers, it should be ascertained or suspected by the officers of the government of China whither such criminals and offenders have fled, a communication shall be made to the proper English officer, in order that the said criminals and offenders may be rigidly searched for, seized, and, on proof or admission of their guilt, delivered up. . . . In neither case shall concealment or refuge be afforded." The same rule applied to all foreign shipping under the principle of extraterritoriality,<sup>24</sup> and the attitude assumed by the American consul at Shanghai in March 1854<sup>25</sup> was identical with that assumed by the British consul at Canton

<sup>24</sup> Am. tr. Wamghia, 1844, arts. xxv, xxix; Fr. tr. Whampoa, 1844, arts. xxvii, xxxi.

<sup>25</sup> Of. antea, § 3.

in October 1856, that the unauthorised removal of persons from a ship authorised to fly the national flag, without the consul's warrant, was a breach of treaty and an unjustifiable act of aggression, for which due amends must be made.

§ 9. England had then at Hongkong, as governor and commander-in-chief, minister-plenipotentiary, and superintendent of trade, an office who chafed at the restraint imposed upon him by the cautious policy which had characterised the British government during the previous four years, reversing the more energetic policy of the years 1840-1852;<sup>26</sup> and the consul at Canton was the true embodiment of the clarity of thought and energy in decision and action which characterises the best type of the English official.<sup>27</sup> Under instructions from the governor, the consul demanded a written apology for what had taken place, and an assurance that the British flag would in future be respected, together with the return on board the lorcha, in the consul's presence, of the men who had been illegally arrested; and he gave an assurance that "on any sufficient evidence being given that British ships or British subjects have engaged in piratical practices, they will be proceeded against without hesitation, and that, on application to the proper authority, Chinese offenders will not be harboured on board British vessels, but that all proceedings must take place according to the conditions of the treaty"; and the High Commissioner's decision was required within forty-eight hours, by the 14th.<sup>28</sup> On the 14th Commissioner Yeh replied, stating that, of the twelve men arrested, nine were returned on board the lorcha, but that "three men were reserved for further and stricter examination"; maintaining that the vessel was owned by a Chinese subject, and was therefore not entitled to the protection of the British flag, and that the men had been arrested on board because there was no flag flying to show the nationality of the lorcha; and giving an assurance that "hereafter Chinese officers will on no account without reason seize and take into custody the people belonging to foreign lorchas,

<sup>26</sup> Cf. chap. xv, §§ 3, 12.

<sup>27</sup> Cf. Lane-Poole, "Life of Sir Harry S. Parkes," *passim*. In 1856 Mr. Parkes was twenty-eight years old, but had been in China since 1842, having entered official life, and begun the study of Chinese, at the age of fourteen.

<sup>28</sup> Mr. Parkes to Commr. Yeh, Oct. 8th, 12th, 1856, Naval proceedings, pp. 2, 12.

but, when Chinese subjects build vessels, foreigners should not sell registers to them, for, if this is done, it will occasion confusion between native and foreign ships, and render it difficult to distinguish between them."<sup>29</sup> The consul refused to receive the nine men returned in this off-hand way.

§ 10. Lord Clarendon, having received the report of proceedings to this point, instructed Sir J. Bowring that all questions of irregularity, if any, connected with the grant of a register, the date of its expiration, the flying of the flag, or the absence of the master, were "matters of British internal regulation, and to be dealt with by the British authorities"; that the arrest of any persons on board must be conducted under the provisions of the treaty; that "the principle involved in this case is most important, and the demands made by Mr. Consul Parkes appear to me to be very moderate under the circumstances"; that the "redelivery of the three men still detained should be insisted on as a *sine qua non*"; and that he approved of reprisals to obtain redress.<sup>30</sup> The steps taken could not, then, be ascribed to the unregulated zeal of the British representatives in China, but had the entire approval of the government in London. The action of the government came before parliament at the end of February, on votes of censure moved in both houses. In the House of Lords the government was upheld on February 26th, by a vote of 146 to 110, but was defeated in the House of Commons on March 3rd by 263 to 247. Lord Palmerston, the premier, then dissolved parliament and appealed to the country, and was returned with a majority of 85.

§ 11. The two parties at Canton now entered upon a course of action, in which the successive attempts by the English to coerce Yeh into acquiescence in their demands were met by a sullen spirit of passive resistance by the Chinese. At the outset the question was small, but its importance increased with the accretion of other demands which the British representatives took the opportunity of making, in order that other and greater questions might find their settlement. Had Kishen or Kiying, the Manchus, been at the helm, they would have recognised the ulterior dangers, granted at once the small

<sup>29</sup> Commr. Yeh to Mr. Parkes, Oct. 14th, 1856, Naval proceedings, p. 14.

<sup>30</sup> Lord Clarendon to Sir J. Bowring, Dec. 10th, 1856, *ibid.*, p. 14.

amount of redress required for the smaller question, and so averted the difficulties which arose; but the Chinese Yeh Ming-chin persisted in his policy of refusing to recognise foreign representatives or make any concession to them, could see no possibilities in the situation outside the original question of the lorcha *Arrow*, and drifted until he had brought England and China in a war, in which all the questions, to the settlement of which he had opposed an obstinate resistance, were brought to an issue and settled.

§ 12. The High Commissioner's reply of October 14th being deemed unsatisfactory, on that day a government war-junk, one among a number lying off the city of Canton, was seized in order to enforce the demand for redress—"to show the grave consequences which may follow any further hesitation on your part to fulfil the treaty engagements, and to prevent those ulterior proceedings which I may otherwise feel it necessary to adopt."<sup>31</sup> To this Yeh paid no attention. On October 21st Mr. Parkes demanded of the High Commissioner his acquiescence, within twenty-four hours, in the demands presented on the 8th and 12th, otherwise "Her Majesty's naval officers will then have recourse to force to compel full satisfaction." Yeh replied the same day, maintaining his position regarding the status of the lorcha *Arrow*, stating that the junk seized on the 14th was not a government vessel, but a peaceful trader, and offering to return ten of the crew of the *Arrow* "if you are content to receive them; in the event of your again declining to do so, then I shall myself set them at liberty." Mr. Parkes replied at once, refusing to receive anything short of the twelve men, and that only officially, but stating that his intention was "only to detain them in safe custody until all the requirements of the treaty in their case shall have been fulfilled."<sup>32</sup> Yeh then, on October 22nd, returned the twelve men, "but not in the manner required in my letter of the 8th, and demanded that I should at once return two of them, without any proper officer being deputed to conduct with me the necessary examination."<sup>33</sup> Mr. Parkes therefore refused to receive them; and, as there had been no apology offered, the question passed into the hands of the naval authorities.

<sup>31</sup> Sir J. Bowring to Commr. Yeh, Oct. 16th, 1856. Naval proceedings, p. 18.

<sup>32</sup> Naval proceedings, pp. 27-29.

<sup>33</sup> Mr. Parkes to Adm. Sir M. Seymour, Oct. 22nd, 1856, *ibid.*, p. 31.

§ 13. On October 23rd Admiral Seymour took the Barrier forts, about four miles below the city of Canton, and made them "incapable of interfering with his further operations"; on the 24th forts along the Macao Passage were occupied; and on the 25th the fort on a small island in front of Canton city, known to foreigners as the "Dutch Folly," but by the Chinese more picturesquely called the "Pearl of the Sea"; and the factories were occupied and guarded. The 26th, being Sunday, was made a day of rest; and on the 27th fire was opened from one gun on the High Commissioner's yamen, with shot at ten-minute intervals; and this was followed, on the 28th, by a fire breaching the city wall in front of the yamen. On the 29th the admiral inflicted on the High Commissioner the humiliation and indignity of entering and marching through his yamen. While the forts were being taken, Commissioner Yeh had sent daily notes of protest, declaring that he had already yielded all that had been demanded; but to the bombardment of his yamen he retorted by issuing, on October 28th, a proclamation which constituted a declaration of war, calling upon people and soldiers to "unite in exterminating these troublesome English villains, killing them whenever you meet them, whether on shore or in their ships, and for each of their lives you may thus take you shall receive thirty dollars as before; bring the heads to my yamen, and, on identification, the reward will be paid." At the same time he notified the American and other consuls that the English, by their bombardment, had opened a war, and that he could no longer be responsible for the protection of neutrals.<sup>34</sup>

§ 14. In a note of October 26th Commissioner Yeh declared that he scented "nothing less than a desire on your part to imitate the course taken by Sir J. F. Davis in the spring of 1847."<sup>35</sup> He had hit upon the truth, for, at the outset of the naval operations, Sir J. Bowring had informed Admiral Seymour that "if your Excellency and the consul should concur with me in opinion that the circumstances are auspicious for requiring the fulfilment of treaty obligations as regards the city of Canton, and for arranging an official meeting with the Imperial Commission within the city walls, I shall willingly come to

<sup>34</sup> Naval proceedings, pp. 31-43; Cordier, "Expédition de Chine, 1857-1858," p. 64.

<sup>35</sup> Commr. Yeh to Mr. Parkes, Oct. 26th, 1856, Naval proceedings, p. 38.



Canton for that purpose."<sup>36</sup> On the 29th the Limchow-fu held a conference with the admiral and the consul, and was told, for the information of the High Commissioner, that the admiral "would continue operations until he was informed that the Imperial commissioner was prepared to allow to all foreign representatives free personal access to all the authorities at Canton."<sup>37</sup> This naturally struck Yeh with dismay; from his point of view, that of any Chinese official, Sir J. F. Davis in 1847 had waived the right of entry into the city, merely "saving his face" by a postponement for two years, and Sir G. Bonham in 1849 had definitely abandoned the claim;<sup>38</sup> and he wrote to the admiral advancing this view, adding the argument that "exclusion of foreigners from the city is by the unanimous will of the whole population of Kwangtung."<sup>39</sup> The admiral replied that he was determined to "insist, on behalf of the foreign representatives, on the same right of access to the authorities as has been invariably conceded at the other ports";<sup>40</sup> and this demand was approved by Sir J. Bowring,<sup>41</sup> while Commissioner Yeh persistently maintained his attitude of resistance.<sup>42</sup>

§ 15. During the early days of November desultory firing was maintained, just sufficient to keep open the breach in the walls which exposed the High Commissioner's yamen, but with care to avoid unnecessary loss of life or injury to private property; and on the 6th the French Folly Fort, near the south-east corner of the city, was captured, and a fleet of twenty-three war-junks, moored off the fort, was destroyed; besides this, a sufficient number of the Chinese houses at the back were pulled down to make the factories defensible. As neither side showed any signs of yielding—the one maintaining its demands, the other continuing its course of sullen resistance—the English, notwithstanding the fact that the city of Canton

<sup>36</sup> Sir J. Bowring to Adm. Sir M. Seymour, Oct. 24th, 1856, Naval proceedings, p. 33.

<sup>37</sup> Mr. Parkes to Sir J. Bowring, Oct. 29th, 1856, *ibid.*, p. 42.

<sup>38</sup> Cf. chap. xv., § 3.

<sup>39</sup> Commr. Yeh to Adm. Sir M. Seymour, Oct. 31st, Nov. 3rd, 5th, 1856, Naval proceedings, pp. 49, 55, 63.

<sup>40</sup> Adm. Seymour to Commr. Yeh, Nov. 1st, 4th, 6th, 1856, *ibid.*, pp. 52, 56, 65.

<sup>41</sup> Sir J. Bowring to Mr. Parkes and Adm. Seymour, Nov. 4th, 1856, *ibid.*, pp. 54, 55. Cf. appendix U.

<sup>42</sup> Proclamation, Nov. 5th, 1856, *ibid.*, p. 70.

was, in a military sense, at their mercy, found themselves forced to move either forward or back; and on November 12th Admiral Seymour captured the Wangtung forts, on the 13th the Anunghoi forts, together mounting about four hundred guns.<sup>43</sup> Thinking that at last the unbending Yeh must bend, Sir J. Bowring went to Canton on the 17th, only to find that the High Commissioner refused to yield on any point of his contentions;<sup>44</sup> he accordingly returned to Hongkong on the 22nd.

§ 16. During these operations the Americans and French endeavoured to maintain an attitude of neutrality, although, in the opinion of each American representative on the spot during the previous six years, nothing but the exercise of force would obtain from China satisfaction of the demands of the Western powers. Mr. Marshall wrote that "the Chinese government concedes justice only in the presence of a force able and willing to exact it"; Mr. McLane declared that "diplomatic intercourse can only be had with this government at the cannon's mouth"; and Dr. Parker was strongly of opinion that the only course possible for the American government in this difficulty was to join hands with England.<sup>45</sup> The government of Washington did not, however, accept the policy thus advocated, and on each of its representatives enjoined the necessity of doing nothing which could involve the country in war.<sup>46</sup> In an assault made by Admiral Seymour on the walls on October 29th, the American consul at Hongkong, Mr. Keenan, accompanied the troops, carrying an American flag; this act was at once disavowed by Commander Andrew H. Foote, the senior American naval officer at Canton.<sup>47</sup> On November 15th, Sir J. Bowring communicated to the American and French envoys the various steps which the British forces had been compelled to take to procure redress for wrongs suffered, and to obtain "for all foreign representatives free personal access to all the authorities at Canton."<sup>48</sup> Dr. Parker,

<sup>43</sup> Adm. Seymour to Admiralty, Nov. 14th, 1856, Naval proceedings, p. 94.

<sup>44</sup> Sir J. Bowring to Lord Clarendon, Nov. 18th-24th, 1856; Sir J. Bowring to Commr. Yeh, Nov. 14th, 18th, 20th, 1856; Commr. Yeh to Sir J. Bowring, Nov. 17th, 19th, 21st, 1856, *ibid.*, pp. 89, 103-113.

<sup>45</sup> J. W. Foster, "Am. Dip. Orient," p. 225. Cf. appendix S.

<sup>46</sup> J. W. Foster, *op. cit.*, p. 229.

<sup>47</sup> Notification, Oct. 29th, 1856, Naval proceedings, p. 46.

<sup>48</sup> Cf. *antea*, § 14.

who had just returned from the north embittered against the Chinese, was nevertheless, much as he might sympathise with the aims of English policy, not to be drawn from a strict adherence to his instructions from Washington; and on the 17th he replied, expressing his full accord with the "measures which have evolved the present state of political and commercial affairs at Canton," but pointing out that this was a matter in which "the United States has been passive and neutral"; and he protested forcibly against the assumption that, without previous consultation, the British envoy could demand the right of entry for all foreign officials to the city of Canton. The French envoy, M. de Courcy, wrote on the 16th expressing his full sympathy with British aims and the steps taken to secure them, adding that "I should have readily profited by the opportunity given in your Excellency's proposition, if at this moment I had occasion to address to the cabinet at Peking any communication concerning our common interests."<sup>49</sup> Both countries had grievances against China, both had demanded the revision of the treaties, and France had, still unredressed, the murder of the missionary Chapdelaine; both envoys would have asked for nothing better than to co-operate actively with their English colleague, but neither country had authorised any aggressive action, and their representatives maintained a neutral attitude. In view of the actual situation, and on the direct request of Commissioner Yeh,<sup>50</sup> the American guards were withdrawn from Canton on November 16th, leaving it to American citizens to decide for themselves if they would stay or not;<sup>51</sup> and the French guard was withdrawn on November 22nd;<sup>52</sup> both consular flags were hauled down on those dates.

§ 17. The American withdrawal from Canton was followed by an incident which, if their country was to maintain its self-respect, forced the American authorities to decisive action. As Commander Foote was on his way to Canton, on November 15th, with the American flag prominently displayed from his boat, he was fired upon by cannon from the Barrier forts, which had been rearmed by the Chinese; and a vigorous

<sup>49</sup> Cordier, *op. cit.*, pp. 77-79.

<sup>50</sup> Commr. Yeh to American and French consuls, Nov. 10th, Naval proceedings, p. 77.

<sup>51</sup> Notification by Dr. Parker, Nov. 19th, 1856, *ibid.*, p. 108.

<sup>52</sup> Comte de Courcy to Sir J. Bowring, Nov. 24th, 1856, *ibid.*, p. 121.

waving of the ensign only brought further shot. Commodore Armstrong, with three ships at his disposal, determined to silence the forts which had committed the offence; and, by operations conducted on the 16th, 20th, 21st, and 22nd, captured the five forts, mounting 167 guns, which constituted the Barrier forts, and dismantled them. Commissioner Yeh, after an unsatisfactory missive received on the morning of the 21st, tendered on December 5th a complete apology: "There is no matter of strife between our two countries. The design of the American flag will be communicated to the forts, and the result will serve to demonstrate the friendly relations which exist between the two countries."<sup>53</sup> This was accepted as satisfactory, and the incident was closed; but further correspondence followed, and, on December 27th, Dr. Parker notified publicly that "the reply of the Imperial commissioner was received last evening, and that, with the semblance of a desire to maintain friendly relations with the two countries, the same disposition to evade obligation, misrepresent facts, and erroneously interpret treaty stipulations, which for years has characterised the correspondence of Imperial commissioners, still obtains with his Excellency Yeh; the resumption of trade to any extent, at the port of Canton, during the existence of the local hostilities is not encouraged by the tenour of the communication now received, and means more ample than those now at command will be required to meet the emergency of the public interests of the United States in China, and the satisfactory and proper adjustment of the relation of the Five Ports is an event yet future."<sup>54</sup> On January 14th, 1857, Commodore Armstrong wrote to Commissioner Yeh, "protesting against the acts of assassination by which his hostilities have lately been characterised."<sup>55</sup>

§ 18. Either as a result of this action by the American naval forces, or in the ordinary course of the campaign against the

<sup>53</sup> Naval proceedings, pp. 109, 111, 112, 120, 143; J. W. Foster, "Am. Dip. Orient," p. 225; Leavenworth, "Arrow War," p. 35; Cordier, "Expédition de Chine, 1857-1858," p. 82.

As lately as 1894 the author was asked to supply charts showing the designs of various Japanese flags, and of the flags of the various neutral powers, for the use of forts heavily armed, mounting guns up to fifty tons' weight each.

<sup>54</sup> Further papers rel. naval proceedings (Dec. 1856), p. 16.

<sup>55</sup> Ibid., p. 24.

English, a proclamation was issued on November 25th by the "committee of co-operation,"<sup>56</sup> offering increased rewards of Tls. 100 for the seizure of an English barbarian, \$100 to "any one who cuts off the head of a barbarian and delivers the head to the authorities," and Tls. 50 for the seizure of a "Chinese traitor."<sup>57</sup> On December 5th a marine was killed, and his head carried off by the non-belligerent population of the village of Nanpien, which was thereupon burned as a warning to others.<sup>58</sup> The French Folly Fort, which had been taken and disarmed on November 6th, and had been reoccupied and rearmed by the Chinese, was again taken by the English on December 4th, and destroyed. Communications were from time to time received from the commanders of the rebel forces operating in the vicinity of Canton, offering their co-operation and asking leave to obtain junks and supplies in Hongkong for operations against the common enemy;<sup>59</sup> but the offer was not accepted, and the rebels were kept out of the field of operations.

§ 19. The responsibility for the protection of neutral property at Canton, other than American and French, was placed upon the English by the respective consuls;<sup>60</sup> they were reminded that the primary responsibility rested with the Chinese authorities, but were assured that such protection as was possible would be given by the British forces. The value of British-owned goods stored in Chinese packing warehouses, delivery of which was prohibited by Commissioner Yeh, was certified to be \$1,511,459, proper certificates being filed at the consulate.<sup>61</sup> The American claims were settled for \$735,288, which was less than the amount demanded;<sup>62</sup> and the claims filed by merchants, chiefly Swiss, under French protection, amounted to \$255,852.<sup>63</sup> There were, in addition, some

<sup>56</sup> Mr. Parkes stated that this committee was "composed entirely, I believe, of officials."

<sup>57</sup> Naval proceedings, p. 128.

<sup>58</sup> *Ibid.*, p. 129.

<sup>59</sup> Hung Hsü-tung, Taiping commander-in-chief, to Sir J. Bowring, Oct. 30th; rebel chiefs to Captain Stewart, Dec. 1st, Naval proceedings, pp. 51, 124.

<sup>60</sup> Letters to Mr. Parkes from consuls for Prussia, Saxony, Netherlands, Hamburg, and Bremen, Oct. 27th; Sweden and Norway, Nov. 28th, *ibid.*, pp. 74, 126.

<sup>61</sup> Statement in despatch Mr. Parkes to Sir J. Bowring, Nov. 22nd, *ibid.*, p. 114.

<sup>62</sup> J. W. Foster, *op. cit.*, p. 243

<sup>63</sup> Cordier, *op. cit.*, p. 89.

quantities of goods in the factories themselves; but it is probable that the contents of the treasuries had been removed.

§ 20. The Chinese, unable to make head against the armed forces of the British crown, now proceeded to attack the defenceless factories. At 11 p.m. on December 14th fires were started at several places among the ruins of the Chinese houses at the back of the factories, and, notwithstanding strenuous efforts to save them, by 5 p.m. on the 15th the whole of the buildings in the factories were a mass of smoking ruins, with the exception of one house, midway from front to back in the English hong (the old company's factory). An entrenchment was then made enclosing the two gardens; and with that, and a detachment in the Dutch Folly Fort, the position at Canton was temporarily maintained.<sup>64</sup> Expeditions were also sent out to destroy war-junks in the river and its branches.

§ 21. The year closed with another attack by the Chinese on unarmed non-belligerents. On December 22nd the postal steam-packet *Thistle*, plying between Canton and Hongkong, was attacked by two large fleets of war-junks, but she escaped with the loss of one of her crew (Chinese) killed, and two wounded.<sup>65</sup> At noon on December 30th, as the same *Thistle* was passing Second Bar on her way to Hongkong, a number of her Chinese passengers, having soldiers' uniforms under their outer clothes, produced concealed weapons and captured the ship. All foreigners on board were killed, including the master, mate, and two engineers, English, four quartermasters, Manilamen, and three passengers, among them the Spanish vice-consul at Whampoa; the heads of the eleven were cut off, and the ship run ashore and burned. The headless bodies were subsequently recovered from the hull of the steamer.<sup>66</sup>

§ 22. With so complicated and belligerent a situation at Canton and in the waters around, it was to be expected that some agitation should exist at Hongkong, filled with a population of Chinese, having no family ties to the place, and including many avowed rebels and pirates, together with the scum of

<sup>64</sup> Adm. Seymour to Admiralty, Dec. 29th; Sir J. Bowring to Lord Clarendon, Dec. 17th; Adm. Seymour to Sir J. Bowring, Dec. 18th, Further papers rel. naval proceedings (Dec. 1856), pp. 1, 3, 7.

<sup>65</sup> Sir J. Bowring to Lord Clarendon, Dec. 27th, *ibid.*, p. 10.

<sup>66</sup> Sir J. Bowring to Lord Clarendon, Dec. 31st; Adm. Seymour to Admiralty, Jan. 14th, 1857, *ibid.*, pp. 17, 27.

Kwangtung;<sup>67</sup> and, after conference on the subject, Sir J. Bowring and Admiral Seymour applied to the governor-general of India for a reinforcement of 5000 troops. Besides this, from his scanty forces, the admiral detailed two ships to remain at Hongkong;<sup>68</sup> and, from January 6th to 31st, the French admiral landed 50 men, and held a force of 150 men ready to land, for the maintenance of order in Hongkong.<sup>69</sup> On January 14th the community was startled by the discovery that the bread supplied that day by a Chinese baker, Ah-lum, was heavily charged with arsenic; the proportions of poison were so excessive, and the discovery was made and the news circulated at so early an hour, that none died, though there was much suffering. Documentary evidence was found implicating some Chinese officials in this act, and there was no doubt of their complicity in the minds of foreign residents at the time. The American commissioner, the French envoy, and the Portuguese governor of Macao, on January 16th, addressed notes to Commissioner Yeh, protesting energetically against this barbarous method of conducting war.<sup>70</sup> At the end of February proclamations summoned all Chinese residents in Hongkong to return to the mainland, on penalty of being dealt with as traitors and having all their property confiscated.<sup>71</sup>

§ 23. While this savage warfare was being carried on at Canton, the rest of the empire remained neutral, and even indifferent, and international relations, even with the English, remained undisturbed. Although at Shanghai there was a large and influential body of Cantonese, inflamed by the reports they received from their home, the local feeling of officials and people was expressed by the proverb, "Let every man sweep his own

<sup>67</sup> Chinese population of Hongkong, Dec. 31st, 1858 :

Resident on shore . . . . .	50,121
Boat population . . . . .	23,920
Total	<u>74,041</u>

—North-China Herald, April 16th, 1859.

<sup>68</sup> Adm. Seymour to Admiralty, Jan. 14th, 1857, Further resp. naval proceedings (Dec. 1856–April 1857), p. 27.

<sup>69</sup> Cordier, *op. cit.*, p. 105.

<sup>70</sup> Sir J. Bowring to Lord Clarendon, Jan. 19th, 22nd, Further resp. naval proceedings (Dec. 1856–April 1857), pp. 6, 8.

<sup>71</sup> Proclamations of Heungshan-hien, Feb. 24th, 27th, 1857, *ibid.*, pp.

floor";<sup>72</sup> and in March the relations of the British consul with the authorities "continue on the same amicable footing, and the people appear to take little heed of the events now occurring at Canton."<sup>73</sup> Sir J. Bowring drafted an exposition of his grounds of complaint against the Chinese government, and sent it to the viceroys at Foochow and at Nanking, requesting them to transmit it to the throne. They both replied, reciprocating the expressions of amity, and referring the British plenipotentiary to Commissioner Yeh at Canton, who alone was authorised to treat of foreign affairs.<sup>74</sup> Two Imperial edicts of December 27th and January 15th stated that Commissioner Yeh had had long experience in dealing with foreign affairs, and could be entrusted with the task of dealing with the present crisis; and enjoined upon the Foochow and Nanking viceroys to protect the coasts under their jurisdiction from aggression, should the English advance to the north.<sup>75</sup>

§ 24. The two nations had, however, drifted into war. To the Chinese it seemed absurd that a trifling irregularity in the arrest of pirates, *hostes gentis humanæ*, in whose suppression Chinese and English were actually co-operating,<sup>76</sup> should bring on a great war; to the English it was no less absurd that satisfaction should have been peremptorily refused for a flagrant insult to the British flag, the more especially since the expedition of April 1847 and its results had shown Canton that it could offer no effective resistance. In fact the war had been brewing since 1842, since the Imperial government had patched up a peace contrary to the feelings, and adverse to the interests, of the people of Canton; and each year that had elapsed of the fourteen years since then had made the war more inevitable, when once a situation was reached which could not be cleared up by the exercise of a wise diplomacy on both sides, and not on one side only.<sup>77</sup>

<sup>72</sup> Consul D. B. Robertson to Sir J. Bowring, Nov. 19th, Naval proceedings, p. 115.

<sup>73</sup> Consul D. B. Robertson to Sir J. Bowring, March 7th, 1857, Further resp. naval proceedings (Dec. 1856–April 1857), p. 31.

<sup>74</sup> Foochow viceroy to Sir J. Bowring, Jan. 6th; Nanking viceroy to Sir J. Bowring, Jan. 13th, *ibid.*, pp. 5, 11.

<sup>75</sup> *Ibid.*, pp. 13, 23.

<sup>76</sup> Cf. chap. xv, § 5.

<sup>77</sup> Under date of Dec. 9th, 1857, Lord Elgin wrote: "I have hardly alluded in my ultimatum to that wretched question of the *Arrow*, which is a scandal to us, and is so considered, I have reason to know, by all except the few who are personally compromised."—Walrond, "Letters and Journals," p. 209.



## CHAPTER XVII

### THE TAIPING REBELLION—ITS RISE

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§ 1. ORDINARILY a domestic insurrection, especially one which is finally suppressed, concerns the internal history of a country, but not its foreign relations. But the Taiping rebellion covered so large a part of the empire; its suppression was interfered with so much by the friction between the Imperial government and foreign powers; its course interfered so much with the attempts of the Imperial government to resist the demands of foreign plenipotentiaries, backed, in some cases, by the armed forces of their respective nations; the rebel forces at times came so near to obtaining the active support of foreigners, individuals, if not governments; and the devastation of the country and the disorganisation of the government so deeply affected the principal foreign interest, trade,—that some account of the great rebellion, which spread over more than a half of

the empire, and brought its government to the brink of destruction, is essential to a proper understanding of China's foreign relations during the years of its progress.

§ 2. When the strong government of Kienlung was succeeded, on his abdication in 1796, by the corrupt and feeble administration of his son and successor Kiaking, the secret societies began to raise their heads, and China entered upon her normal course of rebellion. Taokwang, on succeeding to his father in 1820, attempted to remedy the evils in the government, but the mischief had gone too far; and his efforts accomplished no lasting result; and he, in his turn, dying in 1850, left to his son Hienfeng a legacy of corruption, misgovernment, discontent, and rebellion. The trustworthy records are few, but we have an occasional note of insurrections during the thirty years of Taokwang's reign.

§ 3. The first significant note is one of an insurrection in 1820 in the north-eastern corner of Kwangsi,<sup>1</sup> destined to be the scene on which other rebellions originated. In 1822 there was discontent in Shansi, which simmered along year after year, until, in April 1835, it broke out in serious disturbances, their centre being at Chaocheng; in June Saishangah was sent from Peking with 2000 troops, and in July the rebellion was reported suppressed.<sup>2</sup> In 1826 an insurrection occurred in Kweichow; in 1826 and in 1830 there were rebellions in Formosa; in 1831 one in southern Kiangsi, and in the same year one in the island of Hainan.<sup>3</sup> In 1832 there was an insurrection in Kiangsu, the leader being captured only in the spring of 1834.<sup>4</sup> In 1832 there was a rebellion in Hupeh, several towns being in the hands of the insurgents at the close of the year.<sup>5</sup> In October 1832 a rebellion broke out in Formosa; the Imperial troops, attempting to land in January 1833, were repulsed, with a loss of 1300, and reinforcements were sent from Canton, Foochow, and Hangchow, the troops from Canton being said to number 5000; and the insurrection was reported to have been finally suppressed in June 1833.<sup>6</sup> At the close of 1834 an insurrection broke out in Szechwan, and it was reported as suppressed in June following.<sup>7</sup> In

<sup>1</sup> Chin. Rep., March 1836.

<sup>2</sup> Ibid., May, June 1835; May 1836.

<sup>3</sup> Ibid., March 1836.

<sup>4</sup> Ibid., May 1834.

<sup>5</sup> Ibid., Dec. 1832.

<sup>6</sup> Ibid., Dec. 1832; Jan., Feb., March, May, June, Nov. 1833.

<sup>7</sup> Ibid., March, May, June 1835.

February 1836 there were serious disturbances near Chaochowfu, so serious that the governor went in person from Canton, with 3000 troops, to quell them.<sup>8</sup> In March of the same year insurrection was reported in Hunan, finally suppressed by the governor of that province.<sup>9</sup> Even the British colony of Hongkong was compelled to take steps to protect itself from the operations of secret societies. On January 8th, 1845, an ordinance was passed for the suppression of the Triad Society and other secret societies; on trial and conviction, members were to be imprisoned for a term not exceeding three years, and then "marked on the right cheek in the manner usual in the case of military deserters, and expelled from the colony."<sup>10</sup>

§ 4. In this short record is indicated a feeling of political discontent spreading over the empire, from Shansi in the north to Kwangtung in the south, and from Szechwan in the west to Kiangsu in the east, and taking the only form of protest possible in an Asiatic government—that of armed revolt. Apart, however, from this indication that the empire, as a whole, was in a condition ripe for accepting and furthering any movement ostensibly against the alien dynasty, but actually against the fabric of government, to us the chief interest attaches to insurrectionary movement in what had always been the most disturbed of all the provinces, Kwangsi, and more especially in the mountainous region where the three provinces, Kwangtung, Kwangsi, and Hunan, join together. Here, on February 5th, 1832, a rebellion broke out under the leadership of Chao Kin-lung (Golden-Dragon Chao), who donned a coat of Imperial yellow, and a robe on which was embroidered "Prince of the Golden Dragon."<sup>11</sup> At the outset the rebels took four walled cities and many villages; and the Hunan Titai was defeated by them and killed in action. In June it was reported that the rebels, 30,000 in number, defeated the Imperial troops, under the personal lead of the Canton viceroy, with a loss of 2000; in the same month armed bands in Heungshan, south of Canton, also committed many depredations. In July the Canton viceroy was again defeated, and reinforcements were sent from Canton, bringing the Imperial forces up to 15,000,

<sup>8</sup> Chin. Rep., Feb. 1836.

<sup>9</sup> Ibid., April, May 1836.

<sup>10</sup> Ibid., Feb. 1845.

<sup>11</sup> Memorial of governor of Hunan, Chin. Rep., May 1832.

In October the rebellion was reported to have been suppressed, but in November it was as much alive as ever. In March 1833 the rebellion was actually suppressed, at the cost, it was stated, of large sums of money paid to the leaders in the movement; but five of the relatives of the Prince of the Golden Dragon were executed by the *ling-chih*, the punishment for parricide.<sup>12</sup> In February 1834, banditti again appeared in the mountains of Linchow, in the north-west corner of Kwangtung, but order was soon restored.<sup>13</sup> Another rebellion was reported in Kwangsi in July 1836;<sup>14</sup> and so on, year after year, rebellions, especially in Kwangsi, were reported to have been suppressed, but were invariably found to be full of activity after their suppression.

§ 5. Coming to 1849, in the spring of which year the climax of the question of the right of entry to the city of Canton was reached, we find that in that same spring there had been an insurrection in Tsingyün, on the North River, about thirty miles north-west from Canton, and that it was suppressed in May.<sup>15</sup> In the province of Kwangsi operations by bands of rebels were reported in August 1849 at Yungfu, where they were plundering villages and seizing boats; in November in Shangsze, and, when dispersed there, the rebels migrated to Lingshan; also over the border at Sinning in Hunan, where the chief of the band sat astride the border, and assumed the title of "Prince of the Peace of the River." In February 1850, rebels captured villages in Yunganchow, in Kweihien, and in Siangchow, and in May in Hohien, all in Kwangsi; and in December they were in Ungyuen, about 100 miles north of Canton, and in Wuyuen, Pinchow, Kingyuen, Kweiping, Wusuen, and Tsinchow, in Kwangsi. In 1851 they were, in January, in Hengchow and Sünchow, Kwangsi, and in Lotingchow, Kwangtung; in March at Lungchow, Taipingfu, Nanning, Watlam,

<sup>12</sup> Chin. Rep., May, June, July, Aug., Sept., Oct., Nov. 1832; March, May 1833.

<sup>13</sup> Ibid., Feb., March 1834.

<sup>14</sup> Ibid., July 1836.

<sup>15</sup> Ibid., May 1849. The dates and events in the course of the Taiping rebellion have been taken from so many sources, that it will not be possible to cite the authority, except for the expression of an opinion, or the statement of a fact which might be disputed. The authorities used most freely are the following: Wilson, "Ever Victorious Army"; Williams, "Middle Kingdom," ii, chap. xxiv; Mrs. Archibald Little, "Li Hung-chang and his Times"; W. H. Medhurst, dates of events, in North-China Herald, July 23rd, 1853; and, from 1858, the files of the North-China Herald.

and Popak, in Kwangsi; in May at Hohien, Silin, Siangchow, Szengen, and Pinglo in Kwangsi, at Limchowfu, Koehow, Yingtak, and Tsingyŭn in Kwangtung, and at Kuchow, Chen-yuen, and Weining in Kweichow; and on August 27th, 1851, Hung Siu-tsuen captured the walled city of Yunganchow in Kwangsi.

§ 6. The seriousness of the situation was easily discernible at Peking, and official after official was sent to suppress the rebellion, only by his failure to lose his reputation. In August 1850 the Titai of Hunan was sent with his troops to Kwangsi, but had no success; and the Canton viceroy, Hsü Kwang-tsin, was ordered to investigate the conditions. Lin Tse-sü, the Commissioner Lin of 1839, had been restored to office as Shen-Kan viceroy at the close of 1845, and, in December 1848, as Yun-Kwei viceroy, suppressed an insurrection in south-western Yunnan; he was now, in October 1850, summoned from his home in Fukien and appointed High Commissioner to suppress the Kwangsi rebellion, but died, November 22nd, aged sixty-seven, on his way to the scene of operations. Li Sing-yuen, formerly Canton viceroy, was then appointed to the duty, but he died in camp on May 12th. Finally Saishangah<sup>16</sup> was appointed High Commissioner, and arrived before Yunganchow in December 1851, having 30,000 Imperial troops under his command; associated with him were two other Manchus, Tahungah<sup>17</sup> and Uruntai. Among the insurgent chiefs none showed ability to weld the discordant masses together, and none rose out of the swelter to leadership, until the rise of Hung Siu-tsuen, with one possible exception. We hear of one leader, who took the title of Tienteh, "Heavenly Virtue," and assumed the Imperial insignia of the dragon, the yellow colour, etc.; but the facts and dates are uncertain, and it is not certainly known if he was Hung Siu-tsuen or another. He is heard of, as the Tienteh, early in 1851, before the capture of Yunganchow, and we are informed that Hung Siu-tsuen first adopted an Imperial seal and styled himself "Myriad Years," while besieging Changsha, September to November 1852; on the other hand, Hung Siu-tsuen had taken the style of "Heavenly Younger Brother" before the capture of Yungan-

<sup>16</sup> "Saishangah was the Prime Minister of the young Emperor Hienfeng, as worthless as he was depraved."—Williams. "Middle Kingdom," ii. p. 590.

<sup>17</sup> Tahungah. Cf. chap. x, § 33.

chow; and his brother, Hung Ta-tsuen, taken prisoner at Yunganchow in February 1852, declared, before his execution by the *ling-chih*, that he was himself the Tienteh.

§ 7. Hung Siu-tsuen<sup>18</sup> was born in 1813 in the district of Hwahien (Fayün in Cantonese), about thirty miles north from Canton. He was of a Hakka<sup>19</sup> family, which had migrated from Kaying prefecture in north-eastern Kwangtung; and this relegated him to an inferior class. He was a diligent student of more than average ability, but never succeeded in the public examinations, and was thereby turned into a soured and disappointed member of the learned proletariat. He was first brought into touch with Christian doctrine in 1833, when he was at Canton for the examinations, but then rejected it. In 1837, after another failure at the triennial examinations, his disappointment brought on an illness, during which he had his first visions, forecasting his future eminence. In 1847, after another failure at the triennial examinations, and just after the expedition by which Sir J. F. Davis imposed his terms on the Chinese authorities, he was again led to investigate the claims of Christian doctrine; and, coming for instruction to the Rev. Isacchar J. Roberts, an American missionary, professed a readiness to accept the fundamental principles of his teaching; but he was not baptized. He then formed the "Shangti Hwei" Association (for the Worship) of God, Hung Jen<sup>20</sup> and Feng Yun-shan<sup>21</sup> being his first adherents; his followers were soon numbered by thousands, being found especially in the mountains of Kwangsi. To Kwangsi Hung Siu-tsuen and Feng Yun-shan repaired in June 1849, and a year later were at the head of a large body of devoted followers, filled with enthusiasm, and kept in a degree of discipline and good order which is uncommon with the Chinese. The extent to which Hung Siu-

<sup>18</sup> The full story of Hung Siu-tsuen, as told by his relative, Hung Jen, is given in Rev. Theodore Hamberg, "Visions of Hung Siu-tsuen and Origin of the Kwangsi Insurrection," Hongkong, 1854. An excellent epitome of his origin, experiences, and personality will be found in Williams, "Middle Kingdom," ii, pp. 582-597.

<sup>19</sup> The Hakkas (immigrants), after centuries of living side by side, have never coalesced with the Puntis (autochthones); the two dialects are mutually unintelligible, and clan fights between them have always been of constant occurrence. The position of the Hakkas may be compared, to some extent, with that of the Irish in America during the middle of the nineteenth century—the period of the Kwangsi rebellion—and with that of the Chinese later in California.

<sup>20</sup> See n. 18.

<sup>21</sup> Killed in action in 1852.

tsuen accepted the doctrine of pure Christianity became afterwards a subject of dispute; but, once embarked on the path of success, he claimed for himself the third place in the Divine Trinity—the Heavenly Father was accorded the first place, and Jesus Christ was the Heavenly Elder Brother, but he, the Taiping Wang, arrogated to himself the title of the Heavenly Younger Brother. From his success in obtaining converts at the outset, and inspiring them with the zeal and discipline of a band of Ironsides, he must have had the natural capacity to become a Mohammed, or, on a lower plane, a Joseph Smith, to the people of China; in the result he soon degenerated into a John of Leyden, even to the harem with his eighty-eight consecrated wives and his unnumbered concubines.

§ 8. Hung Siu-tsuen (whom it will be convenient to designate by his later title of the Tien Wang, the Prince of Heaven) and his followers were, in June 1850, at Lienchu, in the district of Kweihien, Kwangsi; thence he moved to Taitsun in August; and a year later, in August 1851, he occupied the city of Yunganchow (Wingonchow). Here he was besieged by Saisshangah in February 1852, and, being reduced to great straits, cut his way out on April 7th, with a force variously stated at between 3000 and 10,000 combatants; as, in January 1854, when they were entirely cut off from Kwangtung and Kwangsi, there were still 3000 combatants, natives of those two provinces, enrolled among the forces at Nanking,<sup>22</sup> the higher seems the more reasonable figure. He arrived outside the provincial capital, Kweilin, on May 13th, but, having no cannon, was unable to take it, and continued his march on the 19th into Hunan. On June 12th the rebel forces took Taochow, and in August Kweiyangchow and Chenchow; then, leaving the river and avoiding Hengchow, they took Anjen, Yuhsien, and Liling, and arrived in front of Changsha on September 18th. Repulsed from its walls, they undertook a siege of the city; and it was during this time that their leader assumed the Imperial attributes. Raising the siege on November 30th, they turned westward towards Changteh; but, at Yiyang, they captured several thousand boats, and in these proceeded to Yochow. This city had been abandoned and was entered on December 13th, a great store of useful military supplies being

<sup>22</sup> North-China Herald, Nov. 22nd, 1856.

found there. Hanyang, on the north bank of the Yangtze, was taken December 23rd; and Wuchang, the provincial capital of Hupeh, opposite on the south bank, was blockaded, and taken by assault on January 12th, 1853. Here they remained for a month, fitting out vessels, and then advanced down the Yangtze. Kiukiang fell to their arms on February 18th, Anking on the 25th, Wuhu on March 4th, Taiping on the 7th, and the forces appeared before Nanking on the 8th. On March 19th, 1853, this ancient capital of the empire was taken by assault. Of the Manchu resident garrison of 5000 men (20,000 men, women, and children) there were barely a hundred survivors, all being put to the sword and sent floating down the Yangtze to the ocean—"We killed them all, the devils, to the infant in arms; we left not a root to sprout from."

§ 9. Chinkiang was taken on March 31st, the Manchu garrison, dismayed by memories of 1842 and by the fate of their brethren in Nanking, fleeing before a shot was fired, so that only a few hundred could be caught and killed; and the Taiping forces occupied Yangchow and Kwachow on April 1st, thereby holding both entrances to the Grand Canal. The Tien Wang advanced no farther east, neglecting his opportunity of coming in touch with the ocean and the men who sailed on it, from which and from whom he could have obtained ships, munitions, and supplies. Instead he turned to the north, and despatched an army to attack and conquer the capital of the empire and the Manchus who held it. This army took Fengyang, in northern Anhwei, on May 28th, and Kweiteh, in Honan, on June 9th, and arrived in front of Kaifeng on June 19th. Kaifeng was besieged until August 16th, when a sudden rising of the Yellow River, thirty or forty feet above winter level, compelled the rebels to raise the siege. It was in 1853 that the Yellow River changed its course from a south-easterly direction, falling into the Yellow Sea at latitude 34° N., and, breaking away just below Kaifeng, took a north-easterly direction, falling into the Gulf of Pechihli at latitude 38° N.; and it is probable that this rise<sup>23</sup> in the river produced the change, especially as the officials charged with the Yellow River Conservancy were, presumably, not attending to their duties, and

<sup>23</sup> The Peking Gazette of Aug. 13th contained a memorial reporting that the Yellow River overflowed its banks on July 5th.—North-China Herald, Sept. 17th, 1853.



would be without funds. The main body of the Taiping army had already crossed the Yellow River, and took Hwaiking; a three-days' battle was fought there on July 30th and 31st and August 1st, in which a victory was claimed by the Imperial forces, but the rebels continued to hold Hwaiking until September 1st. Something, however, had happened. Instead of continuing their march over the lowlands of Honan and Chihli, the rebels then turned westward and climbed the mountainous plateau of Shansi, then turned north to Pingyangfu, which they took on October 6th, then eastward and descended into Chihli. They took Kaocheng on October 14th; the Imperial commander, Shengpao, reported that he had defeated the rebels at Kaocheng, and that they fled eastward (i.e. forwards) towards Shenchow. On October 21st the rebels were again defeated (vide Peking Gazette, October 25th) and took Shenchow. Thence they advanced to Tsinghai (October 28th) and Tuliu, on the Grand Canal, the former twenty, the latter twelve, miles from Tientsin. Here they remained, a spent bolt, beleaguered until February, 1854, when they retired southward. They retired fighting; a battle at Nientsu on February 24th, at Liwan March 7th, at Sienhien March 9th, at Fowcheng March 13th; and here, at Fowcheng, the Imperial commander, Sengkolintsin, reported that his Mongol horsemen had exterminated them; but on May 2nd they were still able to make a sortie from Fowcheng, they or their ghosts. Before this the Tien Wang had despatched a second army north to the relief of the first. It started from Anking at the end of November 1853, and arrived at Lintsingchow, in the north-western corner of Shantung, on April 12th, 1854. They went no farther north, but held Lintsingchow until March 1855. On May 28th, 1854, they took Kaotangchow, twenty miles east of Lintsingchow, and held it until the following March; then both places were evacuated, and the rebel forces retreated to the south. It is not known whether the remnant from Fowcheng was ever able to join the army at Lintsingchow; nor is anything known definitely of the ultimate fate of the combined army of the north, but the Imperial commander reported that it had been exterminated.<sup>24</sup>

<sup>24</sup> "The complete destruction of the rebel force in the north is recorded. Sengkolintsin announces the capture of the remaining rebel chiefs at Fengkwantun, and the slaughter of their followers. This division of the rebel

§ 10. City after city had fallen to the arms of the Taipings; army after army had fled before them; and one High Commissioner or viceroy after another had fallen, not in battle, but under the awful judgment of an Imperial edict. The Tien Wang's force, breaking out from Yunganchow, worked around Saishangah and got to the north of his force; he was unable to hold them by treading on their tail, and in September 1852, when the rebels arrived in front of Changsha, he was degraded. Hsü Kwang-tsin was then appointed High Commissioner and acting Wuchang viceroy; in January 1853 he was deprived of his titles and dignities, but left in office; and on March 4th was degraded. In December Lu Kien-ying, the Nanking viceroy, and Kishan, governor of Honan, were ordered to march up the Yangtze with their troops, each being given the seal of a High Commissioner. An edict of March 17th, 1853, gave judgment against Saishangah, Hsü Kwang-tsin, and Lu Kien-ying; their property at the capital, at their official residences, and at their ancestral homes, was all confiscated, and the sons of each were deprived of office. An edict of June 15th ordered the decapitation of Hsü Kwang-tsin; Saishangah was also condemned to death, but was engaged in July on the defences of Peking. Yang Wen-ting had been appointed acting Nanking viceroy on the departure of Lu Kien-ying, and he was degraded in June; Iliang was then appointed to the post. By edict of July 19th Niu Kien, Nanking Viceroy in 1842, and in disgrace since then, was appointed to a minor post in Honan. By edict of October 14th Shengpao, generalissimo in the north, was deprived of the supreme command, which was given to Sengkolintsin, Mongol Prince of Korsin, who was summoned, with his hardy horsemen of the plains, to the rescue of the Manchu dynasty. The Manchus of Kirin had been ordered into Chihli

force has come from Kaotang in Shantung province. Here they were surrounded by trenches filled with water. The besieged force having no means of further defence sent 500 of their body to the Imperial camp, offering to submit. They waded through the trench and brought with them the hearts of the rebel chiefs Li Kai-fang and Hwang Ta-han. The Imperial forces assisted them out of the water, and put them all to death. Several of the posts they had occupied were then set fire to. Multitudes were killed, and the dead chief Li Kai-fang captured, with several other eminent rebels. The north is now cleared of these marauders."—Peking Gazette, June 3rd, in North-China Herald, June 30th, 1855.

W. C. Howard ("A Short Sketch of the Taeping Rebellion," p. 7) states that the two armies joined forces at Lintsingchow.

in the previous March. Thus head after head was falling from the shoulders of the official defenders of the empire, but these same years saw the beginnings of two men by whose agency the throne was to be saved. While the Taiping forces were before Changsha, Tseng Kwo-fan, who was in his Hunan home in mourning, organised the militia of the country and with it did good service. On the disgrace of Hsü Kwang-tsin, he was appointed High Commissioner; and the Gazette later had reports of his victories, on September 4th, 1855, near Kiukiang, on October 16th in eastern Hupeh and south-western Anhwei; in June 1860 he was appointed Nanking viceroy. Li Hung-chang, a distinguished scholar, but without office, was at his home near Lüchowfu (Hofeihien) when, in 1853, that city was taken by the Taiping army of the north, by whom it was held until November 1855. He raised a battalion of militia, with which he did good service; and his ability and energy were so fully recognised by Tseng Kwo-fan that he was employed in the army under that leader, and was ultimately appointed governor of Kiangsu in 1862.

§ 11. While the empire was thus rent by the conquering and devastating march of the Taiping forces through six provinces to their capital at Nanking, and by the no less conquering, though less successful, advance of their armies of the north to Tientsin, other provinces were the scene of risings which, with a less effective organisation, caused no less suffering to the districts in which they operated, and no smaller loss to the Imperial officers and forces which opposed them. When the Tien Wang broke out from Yunganchow in April 1852, numerous detached bodies of rebels were left, operating in Kwangsi and Kwangtung. In July of that year "river pirates" completely controlled the West River from Wuchow upwards, in September rebels are reported as holding Maping, in central Kwangsi, and, in December, Kukiang in Kwangtung. In August 1853 renewed activity was reported in the vicinity of Hingan and Lingchwan, in the Kweilin prefecture of Kwangsi, and the city of Kweilin was again attacked; and in December there were risings at several places in the Waichow prefecture of Kwangtung, between Canton and the sea. In 1854 the rebel forces spread over Kwangtung, meeting with no effective resistance; in July they had taken Chaochowfu, Tungkun, and

Sheklung, to the east of Canton, the last two within thirty miles of the city, and Fatshan, ten miles to the west, and many of the wealthy merchants of Canton fled for shelter to Hongkong; the movements of armed bands extended as far as Kowloon, opposite to Hongkong, and to Honam, on the river bank opposite Canton. For two years the Imperial authority was exercised only at the city of Canton, and the waterways of the province were entirely controlled by the rebels; in January 1855 the Hongkong government was compelled to pass an ordinance of neutrality, and to order the armed ships of both Imperialists and rebels out of Hongkong waters; and in October 1856 the commander of one of the rebel fleets wrote to Sir J. Bowring, offering an alliance and co-operation in their military movements.

§ 12. In Fukien there were other and independent insurrections. At Amoy, on May 14th, 1853, the authorities notified the British consul that a body of 3500 insurgents, having taken Changchowfu and Chüanchowfu, was then approaching Amoy; on the 15th the consul ordered the opium-receiving ships to come into the inner harbour for protection; on the 18th the rebels came in a large fleet of boats, and took Amoy without opposition; the lower classes fraternised with them, but foreigners were not molested in any way. A force of rebels sailed from Amoy on November 11th, and took Foochow without difficulty. In Chekiang there were also local risings. In April 1852 there was "piracy, robbery, riots, and lynch law" at Ningpo, continuing through the month; during the years following there were numerous risings, and the Imperial officers and troops were everywhere expelled, but the records are slight, as the attention of all was directed more to the movements of the Taiping armies; but in 1857 it is directly stated there were numerous disconnected risings in both Fukien and Chekiang, and in August 1858 the insurgents were abandoning southern Chekiang and concentrating on Fukien. In Kiangsu, law-abiding though the people are in general, there was much discontent. In October 1852 there was a rising at Tsingpu against a projected increase in taxation, so serious that close on 3000 troops were sent to suppress it. In March 1853 there was a tax riot at Nanhwei, south-east from Shanghai, the Hien's yamen being destroyed. In September a local body of rebels

took the city of Shanghai, which they held, hemmed in by the Imperial forces and by the foreign settlements, for seventeen months, until February, 1855. In 1856 the Yi Wang, a great fighting leader, next to the Tien Wang in the Taiping army, became dissatisfied with his subordinate rank, and led an army into Szechwan; here he set up an independent throne, which he maintained until 1863, when he was captured and executed. In the years 1854 and 1855, so far as the records show, except possibly the provinces of Shensi and Kansu<sup>25</sup> the whole of the eighteen provinces, outside the Imperial camps, had thrown off the Imperial domination and, without setting up a civil administration in its place, had destroyed the existing fabric of government. During these years it was that the British naval forces were engaged in suppressing piracy along the coast, and the plenipotentiaries of the three treaty powers were attempting to procure a revision of the treaties.

§ 13. The military organisation of the Taiping army was very complete. The Tien Wang surrounded himself with devoted personal adherents, to whom he gave the rank of Wang, or prince. These were young men, none in 1853 being over forty years of age, with all the enthusiasm and recklessness of youth; and, with two exceptions, all were, to the very end, in victory and in disaster, entirely loyal to their leader. He, from the time he entered Nanking, a conqueror and a self-constituted emperor, secluded himself from sight, becoming to his people an unseen incarnation of the Deity, and indulging in all the pleasures and the vices of an oriental harem. Towards the end of his regime, he created numerous Wangs, the total number rising to 2300 or more;<sup>26</sup> but at the outset they were five in number, increased in 1859, so far as can be made out, to no more than sixteen. Of these four deserve some special mention:

TUNG WANG, the Eastern Prince, one of the original five; the most skilful strategist and commander, and the most able administrator, among the Taipings. In 1856 he began to see visions, in emulation of the Tien Wang. The Pei Wang and Yi Wang were entrusted with the necessary task of suppressing him; but as the former killed, not only the Tung

<sup>25</sup> "From several documents in the [Peking] Gazettes we learn that the Fan nomads have been making serious irruptions into the north-west portion of China proper [i.e. Kansu and Shensi] since last summer."—Mr. Meadows to Mr. Alcock, March 26th, 1853, Papers resp. civil war in China, p. 6.

<sup>26</sup> Wilson, "Ever Victorious Army," p. xxv.

Wang himself, but his whole family and all his personal adherents as well, to the number of 20,000 men and women, the Yi Wang fled from the scene of terror and established himself at Anking. The Pei Wang being in his turn assassinated, the Yi Wang then returned to Nanking, preparatory to starting for Szechwan.<sup>27</sup>

KAN WANG, the Shield Prince, who joined his cousin the Tien Wang in 1859, and was created prince, and appointed chief adviser, or Prime Minister. A man of marked ability. Executed in 1864, after the fall of Nanking.

CHUNG WANG, the Loyal Prince; served from Kwangsi to Nanking in the ranks; was then given command of a battalion, and in 1854 command of the city of Tungcheng in Anhwei. Created prince in 1859. A strategist and soldier of distinguished ability, and the mainstay of the Taiping arms from 1860 to 1864. Loyal to the end, forfeiting his own chance of escape from loyalty. Executed August 7th, 1864, after having written his deposition, evidently a true document.<sup>28</sup>

YUNG WANG, the Heroic Prince, created prince in 1859. A skilful division commander. Captured by treachery early in 1862 and executed.

The army was organised in squads of 25, companies of 100, battalions of 400, regiments of 1600, and divisions of 6400. After arriving at Nanking, and towards the close of 1858, it was estimated that the Taiping enrolled force consisted of between 500,000 and 600,000 men, and upwards of 500,000 women. The latter were organised into companies and separately brigaded; the strictest discipline was maintained, and there were no signs of the ordinary morality of a camp. The men were of all sorts.<sup>29</sup> There were first the men from Kwangsi and

<sup>27</sup> Deposition of Chung Wang, in North-China Herald, Oct. 22nd, 1864.

<sup>28</sup> Ibid.

<sup>29</sup> The following figures are interesting, whether authentic or not, purporting to give the numbers of the Taiping forces inside the city of Nanking in January and July 1854.

Place of Origin.	JANUARY.		JULY.	
	Men.	Women.	Men.	Women.
Kwangsi and Kwangtung	3,000	2,400	2,000	2,000
Hunan	5,500	300	3,000	300
Hupei	20,000	23,000	10,000	20,000
Anhui	12,000	2,700	10,000	2,000
Kiangsi	6,500	—	3,500	—
Chinkiang and Yangchow	7,300	12,000	3,000	10,000
Nanking	20,000	90,000	10,000	80,000
	74,000	130,400	41,500	114,300

—North-China Herald, Nov. 22nd, 1856.

Kwangtung, zealots all, to be compared with Cromwell's Ironsides or the earliest volunteers of the French revolution; it was one of these, a youth of nineteen, who begged Mr. Meadows earnestly to abstain from wine, tobacco, and other forms of vice, "as we do."<sup>30</sup> These, however, were few in number. As the army advanced from Yunganchow to Nanking it was everywhere made welcome, and large numbers flocked to its standards; 20,000 on entering Hunan in June 1852, an additional 30,000 before passing Chenchow in August; and so the army gathered force like an avalanche, as it swept down the Siang through Hunan, and down the Yangtze through Hupeh, Anhwei, and Kiangsi into Kiangsu. But these later accretions were filled more with the love of battle and of plunder, than with any desire for a higher life, or for the rigid discipline of the early zealots; and they conquered and retained the adhesion of the people, only because the Imperial troops had a still looser discipline and a far lower degree of courage, and plundered, murdered, and ravished with more eager zeal, than the Taiping soldiers.

§ 14. The Taiping government is not known to have organised any form of civil administration, even in Nanking itself. Its process of levying taxes for the maintenance of the court and army was simplicity itself; it took everything in sight. It could live for a time on the money and food found in the public treasuries and granaries;<sup>31</sup> but these supplies must some day be exhausted, and then the only resource was to draw freely on the personal wealth of the country.<sup>32</sup> The armed forces of the

<sup>30</sup> North-China Herald, May 7th, 1853.

<sup>31</sup> On the capture of Wuchang in January 1853, silver to the amount of Tls. 700,000 was found in the treasuries; at Anking, in February, Tls. 300,000 was obtained in the treasuries and "much rice" in the granaries; in the same month Nanchang was spared from pillage on paying a ransom of Tls. 200,000 and 50,000 piculs of rice.—Peking Gazette, cited in North-China Herald, May 28th, 1853. A large sum must also have been obtained in Nanking. Howard ("Taiping Rebellion," p. 5) says "a million taels of sycee and an immense quantity of rice and stores."

<sup>32</sup> "PROCLAMATION. In the 1st year of the Taiping Wang of the Later Ming dynasty, 3rd moon, 6th day (23 April, 1852), Kuo, the great general in command of the forces operating in Hupeh, makes this proclamation. In judging of the rise and fall of empires, we see that when a power loses the affections of the people, it will soon be broken; and in considering the gracious or unfavourable mind of Heaven, we find that a power possessing virtue will increase in strength. The Tsing or Manchu dynasty for the past 200 years has been irregular in the bestowal of official dignities, while the complaints of the people have not been attended to; but our Emperor Tien-tea

Taipings captured and recaptured city after city,<sup>33</sup> abandoning all except a few held for military reasons, but thoroughly pillaging each on each occasion of its capture; they spread in all directions over the country, and, in the years 1853-1859, throughout the provinces of Hupeh, Anhwei, Kiangsi, and the western part of Kiangsu, the portable wealth of the well-to-do was gathered up and carried to Nanking and the other cities held by Taiping garrisons; and what the Taipings may have spared was taken by the Imperial forces. The country was devastated; its wealth was dissipated; its life-blood was wasted;<sup>34</sup> and the wild pheasant nested in the suburbs of what had been the wealthiest and most populous cities of the empire.

§ 15. The Taiping revolt, carried through by the Tien Wang's force which established itself at Nanking, attracted much attention in Western countries. England and America especially were attracted by the reports of the conversion of millions to a form of Protestant Christianity, and by the declared intention of those millions to subvert the corrupt and arrogant government of the Manchus, and to substitute for it a purely Chinese administration. France was repelled by the protestantism of the Christianity alleged to have been adopted, and was, perhaps, better informed on the realities of the situation through the reports of the Roman Catholic missionaries living in the interior; but she too was inclined to turn an attentive ear to the professions of the Taiping leaders. Immediately after the fall of Nanking the English plenipotentiary, Sir G. Bonham, went himself to that city to investigate. He

with one outburst of wrath has pacified the people. For these three years past he has been attacking the oppressor. . . . He has had pity on you, sturdy scholars and virtuous people of Hu-Kwang, till his tender feelings are exhausted, and has slaughtered the ravening officers and vicious magistrates till he is tired of the carnage. . . . Those who are rich among you must contribute according to your means for the support of the troops; and those who are poor must select the youngest and stoutest among you to swell the ranks of our army. Whoever can take alive one of these mandarins, civil or military, shall be rewarded with 10,000 pieces of money (? taels or cash), and whoever can bring in one of their heads shall receive 3000. And, should any dare to disobey our commands, we have resolved to pillage their cities; let them not therefore lay up cause for future regrets. A special proclamation."—North-China Herald, March 12th, 1853. This proclamation, purporting to have been issued in April 1852, was evidently drafted in the winter of 1852-1853.

<sup>33</sup> Wuchang was so taken in Jan. 1853, June 1854, and March 1855.

<sup>34</sup> The usual estimate is that the Taiping rebellion cost the empire twenty million human lives.



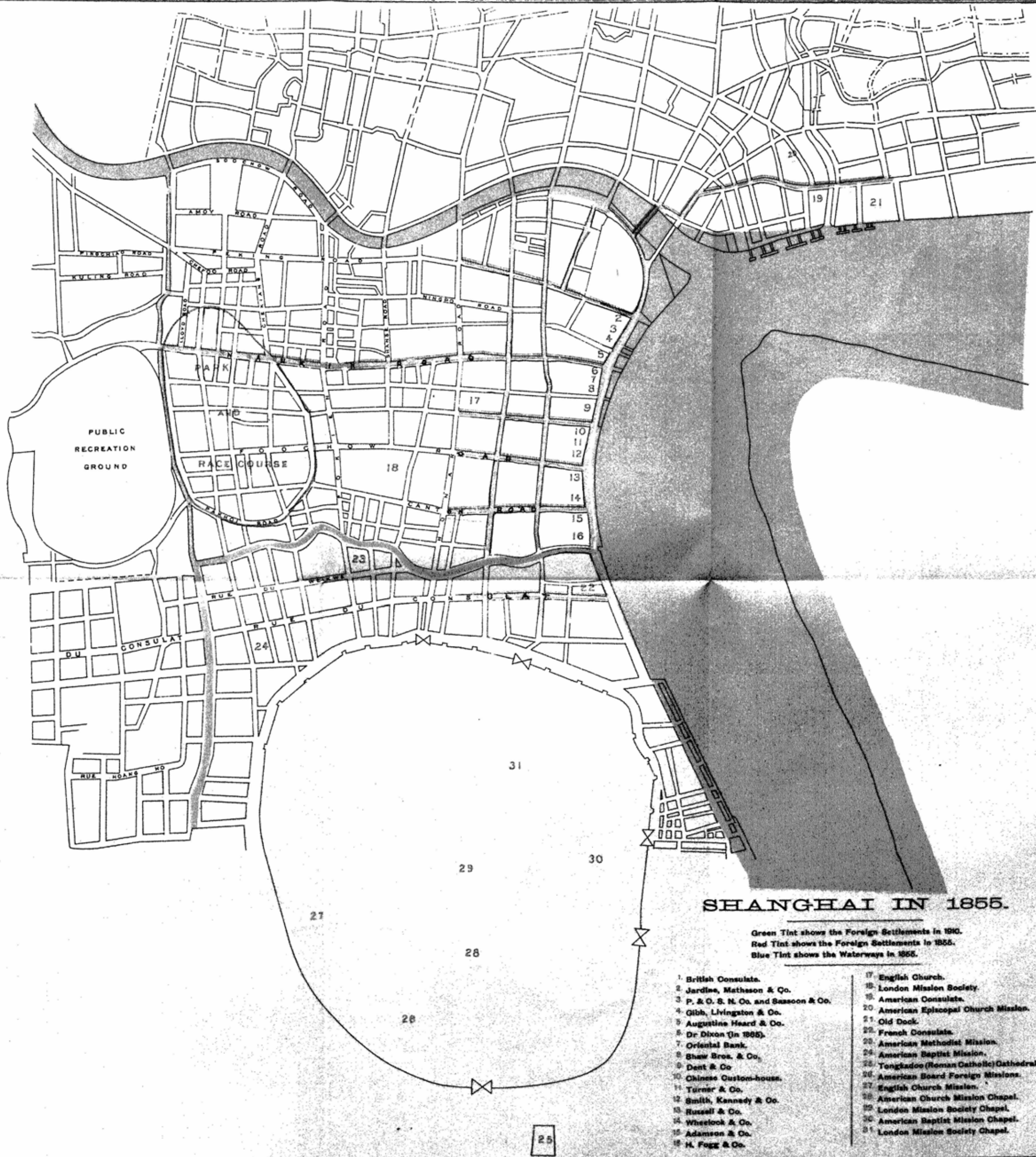
was the more inclined to take that step, since the Chinese authorities, who at Canton were distinctly anti-foreign, at Shanghai were taking it for granted that the foreign naval forces would rally to the support of the Imperial officials against the advance of the rebel armies<sup>35</sup>; and, in fact, a formal request was, on March 15th, sent to each of the three consuls at Shanghai, that their ships of war should at once be despatched to the relief of Nanking. Sir G. Bonham arrived at Nanking on April 27th, and, as the result of his conferences with the Ministers of the Taipings, and of his examination of their books, came to the conclusion that the rebels were "much inclined to dilate upon their present creed"; that, in its strict theory, their tenets were actually based on the ethical rules of Christianity, but so overlaid with anthropomorphism as to be quite transformed; that a nucleus of the soldiery appeared to hold these tenets in their entirety, but not the great mass of the troops; that a *de facto* government, capable of replacing that of the Manchus, did not appear to have been set up; and that the true policy for the British government to follow was one of strict neutrality between the contending forces, subject to the necessity of directly defending British interests when directly attacked.<sup>36</sup> The American commissioners, Mr. Marshall during the summer of 1853, and Mr. McLane in May 1855, formed the same opinion, and so advised their government; the cabinet at Washington was indeed so much impressed by the lofty character of the movement as to have authorised Mr. McLane to recognise the Taipings as a *de facto* government, if on his arrival he found that the situation justified such a course;<sup>37</sup> but in this, as in some other Chinese matters, the American government was ill informed and ill advised. The French envoy, M. de Bourboulon, visited Nanking in December 1853, and was much impressed by the order and discipline which prevailed; but he, too, advised his government in favour of neutrality.<sup>38</sup> The maintenance of this neutrality at Canton

<sup>35</sup> A proclamation of the Shanghai Taotai of March 6th, 1853, declares that the rebel forces had at first made some headway, but that now, the Imperial forces being better organised, the rebels were better opposed, and "have fled in an easterly (!) direction, and it is feared may create some disturbance in the province of Kiangsu."—*North-China Herald*, March 12th, 1853.

<sup>36</sup> Papers resp. civil war in China, pres. H. of Lords, 1853.

<sup>37</sup> J. W. Foster, "Am. Dip. Orient," pp. 208 seq.

<sup>38</sup> *North-China Herald*, Dec. 24th, 1853; Cordier, "Relations de la Chine avec les Puissances Occidentales," i, p. 198.





has been referred to,<sup>39</sup> and its maintenance at Shanghai will be dealt with in later chapters.

§ 16. In 1855 piracy was being repressed by the English along the coast; the city of Canton was in imminent danger from the rebels; the Taiping army of the north had been either exterminated or driven south; and Tseng Kwo-fan was making his footing good in Hupeh. In 1856 renewed attempts were made to secure the revision of the treaties; the *Arrow* incident had embroiled England and China; insurrections, like ulcerous sores, were breaking out in all directions; but the fighting of the Taiping forces lay mainly in Kiangsi, where Nanchang was still held by the Imperialists; and at the close of the year, on December 8th, the tripartite city of Wuchang, Hanyang, and Hankow, was again retaken after its third capture by the Taipings. In 1857 the English collected sufficient force to establish an effective blockade of the Canton river, and, on December 29th, the city was taken by assault by the allied English and French forces; things went badly with the Taipings, Chinkiang and Kwachow having been recovered from them by the Imperialists on December 27th. In 1858 the allies proceeded to the Peiho, the former plan of an advance on Nanking and Chinkiang being now out of the question; the four treaties of Tientsin (British, French, American, and Russian) were signed in June; and the Taipings, after having been pushed back on all sides, made a fresh eruption from Nanking and captured a large number of cities in October; at the end of November they held, along the Yangtze, Nanking, Taiping, Wuhu, Kiuhsien, Chihchow, and Anking, together with three outposts on the north bank, but no place below Nanking or above Anking.<sup>40</sup> In 1859 the English and French plenipotentiaries were fired on from the Taku forts in June, while on their way to Peking to exchange the ratifications of the treaties signed in the previous year; and the fortunes of the Taipings were at their lowest ebb; they had eaten up the plunder of the provinces, had only a devastated country from which to draw supplies, Nanking was closely invested, they lost city after city, and soon held firmly and permanently but little outside the walls of Nanking

<sup>39</sup> Cf. chap. xv, § 12.

<sup>40</sup> Map attached to Lord Elgin's report on his journey up the Yangtze. Lord Elgin to Lord Malmesbury, Jan. 5th, 1859, Corr. rel. Elgin's Mission, p. 440.

and Anking; but elsewhere, during the autumn, there were numerous local risings. In 1860 the allies forced the passage of the Taku forts in August, and in October signed the conventions of Peking; the emperor fled to Jehol (Chengtehfu) in September; in February new rebels, the Nienfei, moving south from Shantung, advanced without impediment as far as Tsing-kiangpu; the Taipings, breaking out from Nanking, under the leadership of the Loyal Prince, resumed their victorious career, and in rapid succession captured city after city in the rich and hitherto undevastated plains of Kiangsu and Chekiang, while a body under the Heroic Prince marched to the relief of Anking; and, on August 18th to 21st, while the allies were preparing for the assault on the Taku forts, the Loyal Prince was threatening Shanghai and the foreign interests there.

## CHAPTER XVIII

### SHANGHAI IN THE REBELLION, 1853-1859

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§ 1. NANKING fell to the Taiping arms on March 19th, 1853, and Chinkia-ling on March 31st. For seven years the Tien-Wang's forces made no move farther eastward; but the country was much disturbed, discontent was widespread, and the tidings that an ever-victorious rebellion had approached with rapid strides to a point of great strategic importance,<sup>1</sup> only 150 miles away, caused much disquietude among the merchants of the wealthy mart of Shanghai. On April 8th separate meetings were held by the English and Americans, at which it was decided to enrol a British and an American volunteer corps, to co-operate with the naval authorities<sup>2</sup> in the defence of the foreign settlements. Broader counsels then prevailed, and on

<sup>1</sup> Cf. chap. x, § 34.

<sup>2</sup> There were then in port two British sloops of war, one American frigate, and one French war-steamer.



April 12th a mass meeting of all foreign residents was held, under the lead of all the consuls resident in Shanghai, with the British consul, Mr. R. Alcock, in the chair. At this meeting it was decided to adopt the resolutions of the previous separate meetings; to appoint a committee of co-operation, consisting of four English and one American; and, on the suggestion of Mr. A. G. Dallas, to dig a trench—now Defence Creek—on the western side of the English settlement, thereby enclosing that settlement on all four sides with a defensible moat.<sup>3</sup> The volunteer corps was duly enrolled, and received instructions in simple drill.<sup>4</sup>

§ 2. On September 7th the "Small Sword" Society rose and took the city of Shanghai. This society, an offshoot of the Triad Society, which finds its chief support in Kwangtung and Kwangsi, was composed mainly of turbulent Cantonese and Fukienese. The Shanghai Hien was killed; but the Taotai, a Cantonese, was able to conceal himself, and, on the 9th, was rescued by an Englishman and an American, let down over the city wall, and taken for refuge to the houses of missionaries in the foreign settlement. On the 8th the custom-house on the Bund was looted and gutted, but there was no molestation of the foreign residents. The original inhabitants of the city were kept within the gates, no one being allowed to escape; and it was from the necessity of supplying them with food that the insurgents were able to obtain supplies. These "Small Swords" claimed that they were affiliated with the Taipings at Nanking, from whom they expected support; but the Tien Wang, in November, sent a commissioner to investigate their claims, and, on receiving his report, issued a proclamation denouncing their "immoral habits and vicious propensities," and refusing to accept them as his adherents. He could easily have secured Shanghai as a coast base; but his army of the north had already crossed the Yellow River, and it is doubtful if his strategic abilities were sufficiently great to allow of his conducting operations to the north and to the east at the same time.

§ 3. The city of Shanghai was now closely beleaguered, the

<sup>3</sup> Papers resp. civil war in China, pres. H. of Lords, 1853, pp. 9-15.

<sup>4</sup> "The Battle of Muddy Flat, 1854" (North-China Herald Office, Shanghai), p. 1.

wall and its moat forming an impassable barrier, which could be crossed neither by those within nor by those without. The foreigners in the settlements pursued their declared policy of strict neutrality,<sup>5</sup> and informed both parties that the foreign ground could not be used for the purpose either of attack or of defence; the foreign authorities also prohibited the supply of munitions of war to either side, but it is certain that the prohibition was generally evaded, and that there was an active, but clandestine, traffic with both Imperialists and insurgents. The Imperial forces, thus shut out from the north side, besieged the city from the west, the south, and, by batteries at a safe distance across the river, from the east; and, in addition to war-junks along the river front, foreign merchant ships were chartered to guard and patrol the river. Constant attempts, sometimes reaching the reality of assaults, were made ashore and afloat to recapture the city; but the insurgents had not sufficient generalship to make effective sorties, and, whenever the Imperial forces got so far as to assault the walls, they were invariably repulsed with heavy loss. In one such assault on December 7th, by land and water, very determined but unsuccessful, almost the whole of the eastern suburb, between the city wall and the river, was destroyed by fire; this was the centre of the Chinese trade of Shanghai, and the loss was estimated at \$3,000,000. The courage of the Imperialists and the marksmanship on both sides were of low quality; shot from batteries on the east side of the river 600 or 700 yards wide, occasionally hit houses on the north of the Yangkingpang, not less than 500 yards from the nearest corner of the city wall.<sup>6</sup>

§ 4. Throughout the whole of the nineteenth century, when the Imperial troops of China have occupied a territory in their own country while on active service, their habit has been to treat the people and their possessions as the Huns, Goths, and Vandals are reputed to have treated the people of conquered lands. The Imperial troops around Shanghai observed, more or less, for six months the self-imposed neutrality of the foreigners in their settlements; but then the soldiers, never under much restraint, and always out of hand during a cam-

<sup>5</sup> Cf. chap. xvii, § 15.

<sup>6</sup> For these two sections, *North-China Herald*, *passim*.



paign, began to assume towards foreigners the attitude of mastery and domination which it was their custom to show towards their own people. On April 3rd, 1854, a wandering squad entered a building in course of erection close to the British consulate, and attacked two Englishmen; later in the day armed bands appeared at several different points on the outskirts of the settlement, then not extending beyond Honan Road, and attacked parties of foreigners, and, as these bands increased in numbers, they were driven back by sailors landed from the ships of war, and one of the encampments, which had been formed within Defence Creek, was cleared of its occupants and dismantled. At the same time a fleet of war-junks was taken and held in pledge. The next day Koerhangah, the provincial judge, then at Shanghai, was asked to effect the removal of all troops away from the boundaries of the foreign ground. A previous official outrage had been atoned for;<sup>7</sup> but this unofficial outrage committed by irresponsible and uncontrollable soldiery was beyond the power of the directing civil authorities to rectify, and the judge professed his powerlessness to do what he was asked to do. The whole of the available forces from the British and American ships of war were then landed; and, with the co-operation of the volunteer corps, making a total force of about 400, the Imperial troops were cleared from the settlement limits and driven to some distance back from the western boundary. The English operated to the north of the Maloo (Nanking Road), and the Americans between the Maloo and the Yangkingpang; and the operations of the latter were aided by demonstrations of the insurgents on the right flank of the Imperialist position. The foreign loss was four killed<sup>8</sup> and eleven wounded. The successive steps were decided on by the three treaty-power consuls in consultation; and, except for one attack, on November 11th, on the American guard stationed on the south side of the racecourse, the Imperialists did not again disturb the security of the settlements.<sup>9</sup>

<sup>7</sup> Cf. chap. xvi, § 3.

<sup>8</sup> A commemorative tablet was placed in Trinity Church, Shanghai, to the memory of the two Englishmen and two Americans who lost their lives in this action.

<sup>9</sup> Corr. resp. attack on foreign settlements at Shanghai, pres. both H. of Parliament, 1854; "The Battle of Muddy Flat, 1854"; *North-China Herald*, April, passim. The country around Shanghai is a muddy flat.

§ 5. French interests at Shanghai were small,<sup>10</sup> and (except the houses of two American missionaries, outside the North Gate) the only foreign houses on the French settlement were the consulate and the house of M. Remi, dealer in watches and jewellery. During the siege these houses had been many times hit by cannon and musket shot, and the French consul had been repeatedly urged to order the removal of the French community to the north side of the Yangkingpang, but had refused. In addition, however, there was the cathedral of Tongkadoo, outside the South Gate, and surrounded by the dwellings of many native converts. This centre of clerical influence presented an endangered interest, the defence of which in foreign parts has never been neglected by France; and when coupled with the tendency, then becoming manifest, to develop a separatist administration (the *concession française*) in the French settlement, the reasons for intervening to protect the shot-scarred consulate became too strong to resist. An additional reason might be found, perhaps, in the theory, referred to by almost every English and American writer of the time, that the Roman Catholic missionaries found a particular objection in the protestant form of the pseudo-Christianity assumed by the Taipings, with whom the Shanghai Triads claimed affiliation.

§ 6. For whatever reason, the French consul and admiral decided on independent action against the insurgents in the city; and, on December 6th, 1854, fifteen months after the first occupation, a force from the French ships dismantled a rebel battery outside the Little East Gate, while the ships bombarded the city. "Neither the British nor American commanders would violate their neutrality by assisting the admiral in his hasty act of doubtful justice";<sup>11</sup> but, both on that day and later, the French attacks were materially, though ineffectively, aided by demonstrations of the Imperialist forces on the west side of the city. There were repeated contests of well-laid guns against the inefficient artillery of the insurgents, and others of Minié rifles against the muskets, matchlocks, and horse-pistols with which the rebels were armed; but the Triads

<sup>10</sup> "M. de Montigny stated that, although the material interests he had to defend at this place were not large . . ."—Minutes of meeting of April 12th, 1853, in *Papiers resp. civil war*, p. 13.

<sup>11</sup> Scarth, "Twelve Years in China," p. 199.

maintained an undaunted front, and gave no sign of surrender. A final effort was made when a practicable breach had been blown through the north-east corner of the wall;<sup>12</sup> then, while the Imperialists attacked at the West Gate, a French landing-party stormed the breach. After four hours' hard fighting the attacks were repelled; the Imperial troops lost, it is said, 1200 killed and 1000 wounded; of 250 French sailors composing the storming party, 64 were killed or wounded. After that an active bombardment was kept up, and the supply of provisions restricted; and as, for these causes, the city became untenable, it was evacuated on the Chinese New Year's Day, February 17th, 1855. The bulk of the rebels cut their way through the Imperialist lines; some 300 surrendered and were decapitated, and about 50 escaped through the foreign settlement, and thence by sea to the south. The Imperialists then entered the city they had vainly besieged for seventeen months, and looted valiantly—"the rebels were bad, but these soldiers are worse," a native resident of the city declared—and they decapitated about 1500 alleged rebels; "even the coffins were opened and the corpses decapitated."<sup>13</sup> As compensation for their expenditure of blood, the French added to their settlement, with its two French houses, the suburb between the city and the river as far as the Little East Gate. The additional area was small, but to a frontage of 500 yards was now added a river frontage of close on 700 yards of the best wharfage in Shanghai.

§ 7. For a year and a half the administrative city of Shanghai was held by rebels, who had no access to the port or the country; the suburbs, centre of the Chinese trade, lay under the rebel guns, and were exposed to shot from the Imperialist batteries across the river; the foreign settlements, seat of the foreign trade, were neutralised by order of the three foreign envoys, and were thus closed to the taxing officers of the established government; and the Imperialist troops blocked the approaches from the west and south, while the seaward approaches to the port were infested by pirates. The innovations

<sup>12</sup> The Shanghai city wall is a fair specimen of the ordinary wall of a third-rate city, with a brick facing 30 feet high, and a clay backing some 20 to 30 feet thick—offering a good defence against the best field artillery of that day.

<sup>13</sup> Scarth, *op. cit.*, pp. 197-219; *North-China Herald*, *passim*. Mr. Scarth has a marked bias against the French, but he was in close touch with what went on, and occupied a responsible position in the Shanghai community.

in the fiscal arrangements necessitated by these conditions will be described in a future volume. While the Taiping arms advanced no nearer than Chinkiang, 150 miles away, there was sufficient fear of their further advance, and sufficient commotion caused by bands of unattached insurgents, to drive the timid Chinese from their homes and make of Shanghai a city of refuge. Into the foreign settlements the Chinese thronged; not in such vast numbers as came in the years 1860-1864, but there were many thousands of them—so many as to tax severely the primitive administration and weak budget of the small foreign community.<sup>14</sup> They crowded in, and squatted on the vacant land, built whole streets of wooden shanties, and created a mass of vice and filth which could not then be kept in restraint. Crime was rampant, and, if the settlements were to remain a secure place of residence and trade for foreigners, it was imperative that steps should be taken to repress it. The Chinese authorities were disorganised and powerless; and, had they possessed the machinery and the power, it would have been a dangerous experiment to admit them to the exercise of full administrative functions within the limits given up to the foreign residents, especially at a time when the disturbed condition of the country reduced, or even annihilated, the customary emoluments of the officials generally. The system of mixed courts had not yet been devised, and the administration of justice was assumed by the British and American consuls, each dealing with cases of Chinese accused of offences with which their nationals were concerned, and the two dividing the cases of police regulation which concerned the community as a whole. The Chinese cases so dealt with were fairly numerous; thus the monthly police report for October 1855 records 24 cases, and that for December of the same year 42 cases, all judged by either the British or the American consul. The penalties inflicted were fines of moderate amount or imprisonment for a few days; criminals requiring severer punishment were sentenced to be handed over to their own authorities.<sup>15</sup>

<sup>14</sup> Cf. chap. xiii, § 10, and n. 58.

<sup>15</sup> North-China Herald, Oct. 27th and Dec. 29th, 1855. "We are anxious to call the attention of our local authorities to the state of the settlement, more particularly its western and northern localities. The neighbourhoods of the Church Missionary school and the old Park literally swarm with brothels, gambling houses, opium dens, and houses for the reception of stolen goods; and the evil is constantly increasing. As fast as the most respectable house-

The right of jurisdiction of the lord of the soil over his subjects living in the foreign settlements, which had been declared neutral, was, perforce, temporarily in abeyance.

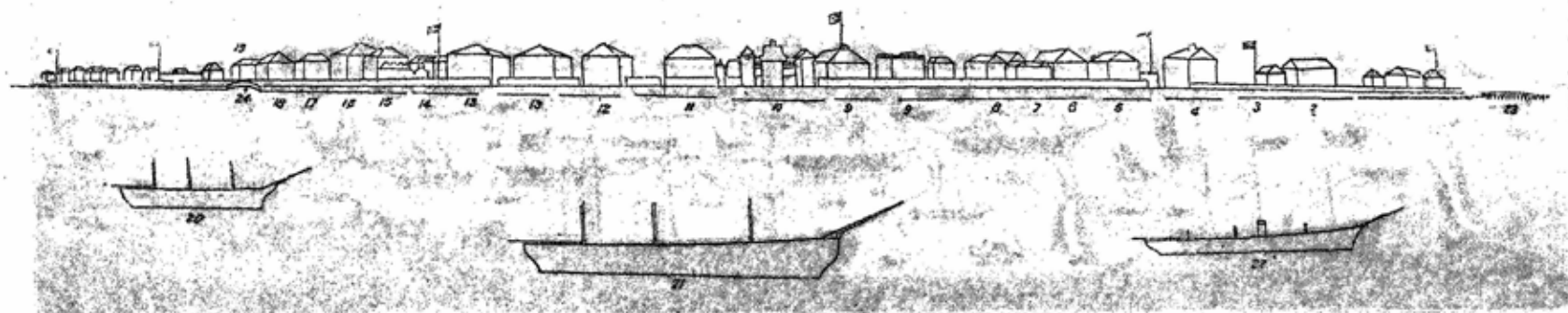
§ 8. The way in which the foreign community proposed to regulate the influx of Chinese, and the fuller extension of self-government which it was found necessary to introduce at this juncture, have been described.<sup>16</sup> At the end of November 1854 the Taotai wrote to the consuls asking them to send him a return of all Chinese in the employ of their nationals, in order that he might be able to detect any false claims to foreign protection. The Chinese authorities were in a difficult position, and, if their administration of justice were equitable, they might fairly ask to be supplied in advance with the means of discriminating between those who remained under their jurisdiction and those who had been removed from it; but, with the Chinese administration what it was, and with the dangers surrounding the foreign community, amid which it was needful to walk warily, the consuls refused absolutely to send the return asked for—"If the Chinese authorities wish to arrest any one, a specific charge describing the offence must be made; and, if the accused claim foreign protection, the claim must then be referred for the decision of the consul concerned."<sup>17</sup>

§ 9. Trade was completely disorganised. During the rebel occupation of Shanghai, access to the whole of the Yangtze basin from Chinkiang upwards, and to the greater part of

holders return to their old residences in the city and its suburbs, their places are filled by a continually degenerating class of tenants, and we believe the very scum of the Shanghai population is now to be found within the limits of the foreign concession. Surely this state of things cannot be allowed to continue! In the troublous times, from which we have happily emerged, pity dictated that we should wink at the invasion of the natives, and shelter as many of their families as we could, from the violence of rebel-robbers in the city, and Imperialist-robbers in the camps; but we strongly object to the settlement being, in time of peace, allowed to lapse into a sanctuary for the protection of thieves and vagabonds of all sorts. We believe the consuls and municipal council have only to carry out their own regulations to put down this crying evil. Once let it be known that they are determined to enforce the laws, and the object will be accomplished, our settlement purged, and a vast amount of troublesome police judicature caused to revert to the native authorities. We doubt not the Mayor of Shanghai would be very glad to be permanently relieved of such a thankless part of his duty, but we trust the foreign consuls will insist upon his looking after his own *mauvais sujets* and bearing his own burdens."—North-China Herald, April 12th 1856.

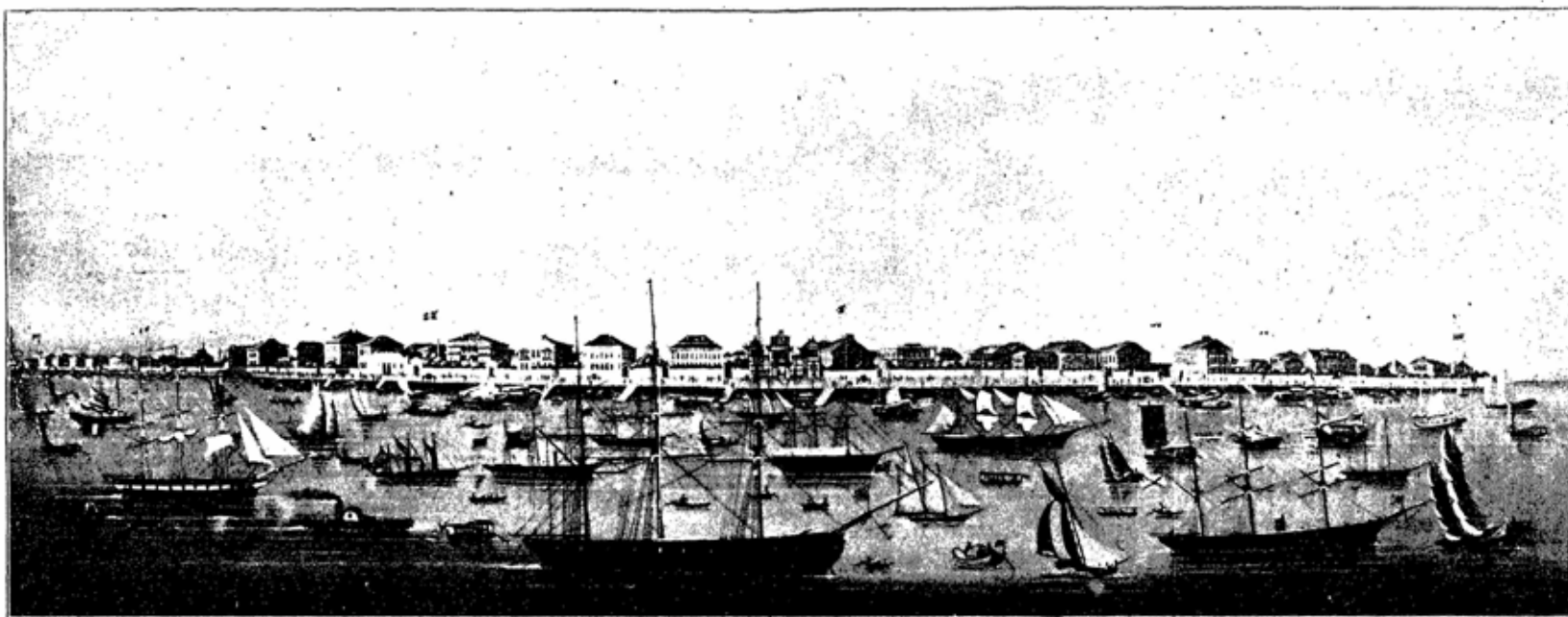
<sup>16</sup> Cf. chap. xiii, §§ 9, 10.

<sup>17</sup> North-China Herald, Dec. 10th, 1853. Cf. chap. xiv, § 6; chap. xvi, & 8.



- |                            |                          |                           |                           |                         |                              |
|----------------------------|--------------------------|---------------------------|---------------------------|-------------------------|------------------------------|
| 1. British Consulate.      | 5. Augustine Heard & Co. | 9. Dent & Co. (Portuguese | 13. Russell & Co. (Consu- | 16. Adamaon & Co.       | 21. British ship of war (red |
| 2. Jardine, Matheson & Co. | (Russian Consulate).     | Consulate).               | late Sweden & Norway).    | 17. H. Fogg & Co.       | ensign).                     |
| 3. P. & O.S.N. Co. and     | 6. Dr. Dixon (in 1865).  | 10. Chinese Custom House. | 14. Russell & Co. (Consu- | 18. M. Remy.            | 22. Russian war steamer      |
| Sassoon & Co.              | 7. Oriental Bank.        | 11. Turner & Co.          | late Sweden & Norway).    | 19. French Consulate.   | 23. Bridge, Soochow Creek.   |
| 4. Gibb, Livingston & Co.  | 8. Shaw Bros. & Co.      | 12. Smith, Kennedy & Co.  | 15. Wheelock & Co.        | 20. French ship of war. | 24. Bridge, Yangkingpang.    |





THE BUND OF SHANGHAI IN 1857.





Chekiang, was barred, and the consuming markets there for Shanghai imports were closed; and, even in those districts in the immediate vicinity of Shanghai which had remained comparatively undisturbed, the prevailing feeling of unrest greatly restricted purchases. The result was that general imports, then consisting mainly of manufactures of cotton,<sup>18</sup> remained unsold in the cotton-growing country of which Shanghai is the centre, and accumulated in the merchants' warehouses. In times of commotion and excess, however, articles of luxury subserving fashion and display are the first to disappear, then necessities, while for those luxuries which serve for self-indulgence and forgetfulness of misery the demand endures; and the demand for opium continued. During the three years 1847-1849 the average deliveries of opium from the receiving ships at Wusung<sup>19</sup> amounted to 18,814 chests, the average value being \$11,185,000 annually; in 1853 they increased to 24,200-chests, valued at about \$14,400,000.<sup>20</sup> In the year 1857 this had increased to 31,907 chests, valued at \$13,082,000; in 1858 to 33,069 chests, and in 1859 to 33,786 chests,<sup>21</sup> while in the last year 2305 chests were imported at Ningpo, without passing through Shanghai.<sup>22</sup> In 1860, with the consuming market further restricted, the Shanghai import fell to 28,438 chests.<sup>23</sup> The value in the later years is not recorded, but the opium imported may be assumed to have added about \$15,000,000 annually to the fund for the purchase of exports and the maintenance of ships and shore establishments; and the proceeds from all other imports during the earlier

<sup>18</sup> "In the import trade of Shanghai in 1851 :

"General imports by British ships . . . .	\$4,299,192
Including cotton manufactured . . . .	\$3,446,952"

—North-China Herald, July 3rd, 1852. "General" means "excluding opium."

<sup>19</sup> There were ten receiving ships at Wusung ranging from 200 to 388 tons, of which eight were British, serving as store-ships for four English and four Jew or Parsee firms, and two American store-ships for two American firms. Of the American ships, one was withdrawn from service between Feb. 11th and 18th, and the other between March 4th and 18th, 1854. Mr. Robert C. Murphy, first official American consul, arrived on Feb. 15th, 1854, replacing as consul the head of one of the two firms dealing in opium; but there is no record to show whether the withdrawal of the American ships was due to this, or to the increasing risks of the commercial situation.

<sup>20</sup> Cf. chap. xiii, § 14.

<sup>21</sup> North-China Herald, Jan. 7th, 1860.

<sup>22</sup> Ibid., April 14th, 1860.

<sup>23</sup> Ibid., Jan. 12th, 1861.

years, from 1853 to 1856, added to this, could not have raised the total fund beyond seventeen or eighteen millions in money actually realised.

§ 10. On exports, however, the condition of the country produced an opposite effect, and during the time of disturbance their quantity and value were largely increased. Tea, instead of taking the dangerous way by the Yangtze, could come by the roads over the mountains from Anhwei, Kiangsi, Fukien, and Chekiang, and found at Shanghai a market, when the devastation of the interior diminished the demand from the Chinese. Up to 1852 the export from Shanghai increased to nearly 60,000,000 lb., and in 1853 it was 69,000,000 lb.,<sup>24</sup> the season in each case ending on June 30th. The first effect of the advancing flood of rebellion was to reduce the exports in 1854 to 50,000,000 lb.; but in 1855 no less than 80,000,000 lb. were shipped from Shanghai. Then the ways from certain districts became blocked, and the export from Shanghai must be considered together with that from Foochow. During the next five years the export from these two ports was as follows :

	FOOCHOW.	SHANGHAI.	TOGETHER.
1855	lb. 15,700,000	80,200,000	95,900,000
1856	„ 41,000,000	59,300,000	100,300,000
1857	„ 32,000,000	41,000,000	73,000,000
1858	„ 28,000,000	51,000,000	79,000,000
1859	„ 46,500,000	39,000,000	85,500,000
1860	„ 40,000,000	53,500,000	93,500,000

On the export of silk the rebellion produced an even greater effect. In 1851 the shipments from Shanghai had reached a total, never before reached by the entire Chinese export, of 20,631 bales. The fall of Nanking destroyed the 50,000 looms constantly weaving silk in that city, and the destitution of the country closed the home markets to an article of luxury worn only by those who no longer possessed the means of buying it, or whose sole idea was to conceal the fact that they had the means of buying. The output of the great silk-producing country lying between Soochow and Hangchow was thus forced

<sup>24</sup> Cf. chap. xiii, table F.

into the foreign market; and the export increased with a bound to 41,293 bales in 1852 and 58,319 bales in 1853, while in 1858 it had risen to 85,970 bales. The value of the exports of all kinds, chiefly tea and silk, from Shanghai in 1853 was \$24,200,000. By 1857 the Shanghai currency had been changed from the Carolus (Spanish) dollar to the Shanghai tael, and in that year the trade of the port was balanced as follows:

	Tls.	Tls.
IMPORTS: Cottons and woollens (sale restricted)	6,453,115	
Metals and coal	1,523,035	
Straits and South China produce <sup>22</sup>	6,573,076	14,549,22
EXPORTS: Silk	21,697,188	
Tea	9,869,919	
Sundries	1,777,328	33,344,436
Difference		18,795,204
Net import of treasure, as far as known		14,443,089

No help could be obtained from Foochow, where the same conditions prevailed: in 1859, with general imports there valued at \$2,244,000, the exports were \$10,847,600.

§ 11. The conditions at Canton during the eighteenth century were repeated at Shanghai during these few years; year after year the exports exceeded the imports in value, and the balance could be adjusted only by the continual importation of treasure. Of this, enormous quantities were poured in; by the P. & O. steamers alone the imports of treasure on November 26th, 1853, amounted to \$1,544,500, on January 21st, 1854, to \$843,700, on February 11th, 1854, to \$532,800, on August 26th, 1854, to \$726,700, on May 10th, 1856, to \$1,300,000, on October 11th, 1856, to \$1,500,000, on June 27th, 1857, to \$1,208,500, on July 25th, 1857, to \$2,250,000, on August 15th, 1857, to \$2,078,000, and corresponding amounts by others of the monthly steamers. For the calendar year 1856 the import amounted to \$20,400,000; for 1857 it was \$17,500,000 in silver besides \$1,750,000 worth of copper cash from South China. To supply this demand for silver there was only one coin in which the Chinese of Mid-China had confidence and which they would take, the Carolus (Spanish) dollar of the reign of Charles IV (1788-1808); and

<sup>22</sup> This item was unduly increased during these years to replace produce from central China which could no longer be brought to Shanghai.

to obtain this coin in sufficient quantities the markets of Europe were searched. The drain on Europe was hard to bear, but in Shanghai the situation was intolerable; for the Chinese, in addition to refusing to take any coin except of the one mintage, hoarded that coin whenever it came into their hands. The condition of the country was one of such disturbance that even the copper coinage of the country went to a discount as being too bulky for concealment, and the silver received for tea and silk came out again only for the much-prized opium, or, grudgingly, for absolutely necessary purchases of products which were essential. The money stringency became intense. In April 1853, within a month of the capture of Nanking, the market reports stated that there were no cash sales of opium, and that the trade in it was reduced to barter, and that for shirtings "no bona fide cash transactions are reported, and prices are quite nominal"; and, in the summer of 1855, that "trade is chiefly barter and the currency is disorganised." It might have been put that "trade is disorganised and the currency has disappeared."<sup>26</sup>

§ 12. This situation reacted promptly on the bank exchanges. Up to the end of 1852 the rate at which exporters could buy six-months bills on London was ordinarily from 4s. 6d. to 4s. 10d. for the Carolus dollar; this coin had an intrinsic value (at the ratio of 16 to 1) of 4s. 2d., and the premium, from 8 to 16 per cent., was a fair equivalent of the cost of laying the coins down and of keeping them unfructifying in the merchants' treasuries, with interest during the currency of the bills. The trade stringency resulting from the fall of Nanking did not at once react on the market for bills, especially since the active season for shipping tea and silk did not begin until June, and, though there was a decided rise, the rates up to the end of June did not go higher than 6s. 2d. (48 per cent. premium); but from that time the advance was rapid, and, on August 27th, ten days before the taking of the city of Shanghai, the rate was quoted at 7s. 9d., or 86 per cent. premium above the intrinsic value of the coinage. The market then readjusted itself somewhat, and, by the end of the year 1853, exchange was quoted at 6s. 3d., which was, however, 50 per cent.

<sup>26</sup> North-China Herald, *passim*; appendix S; Wingrove Cooke, "China," pp. 166, 168, 182.

premium. During 1854 and nearly to the end of 1855 exchange ranged between 6s. and 6s. 6d. (44 to 56 per cent. premium); but from that time it rose steadily, until, on September 15th, 1856, it was again at 7s. 9d. (86 per cent. premium). In the meantime the Mexican dollar of contemporary mintage had been accepted, and had become the standard currency for international trade, at Canton and in South China; and the curious spectacle was seen of simultaneous quotations for coins of identical intrinsic value (416 grains 900 fine), at Canton (September 27th) 4s. 11d. per dollar, and at Shanghai (September 15th) 7s. 9d. per dollar. Another curious fact was that, at Shanghai, a coin containing  $374\frac{1}{2}$  grains of fine silver was the equivalent nominally of 696 grains of fine silver in the shape of Chinese sycee; and that Canton sycee exchanged actually at market rates (September 15th, 1856) for \$98 per Tls. 100, the corresponding rate for the Shanghai tael being \$88.20, the nominal parity of exchange for the latter being \$140.23. Gold is only a commodity in China, and quotations for gold bars at Shanghai followed an eccentric course. During the three years 1850-1852 the price was fairly uniform at \$21.68 per tael, Canton scale; in February, 1853, a month before the fall of Nanking, it jumped suddenly to \$25.70 per tael; at the end of 1853 it was \$17.47 per tael; and at the end of 1855 the appreciation in the value of the dollar had brought it down to \$14.69 per tael.<sup>27</sup>

§ 13. On July 7th, 1853, the merchants of Shanghai presented to Sir G. Bonham a memorial,<sup>28</sup> in which, after referring to the stagnation of trade, the impossibility of selling imports, and the withdrawal of circulating capital, they asked that the collection of duty on imports should be deferred until the goods

<sup>27</sup> North-China Herald, *passim*.

<sup>28</sup> The more important clauses of this memorial were the following:

"1stly. Since last February there has been a complete stoppage of trade, and consequently it has been utterly impossible by the sale of imports to realise the amount of duties claimed by the Chinese government.

"2ndly. That up to the present time we have paid all duties that are due, at a very considerable sacrifice to importers.

"3rdly. That the continued stagnation has been followed by the withdrawal of nearly all the native capital from the trade, thus rendering bills on England only saleable at an exorbitant rate and to a trifling amount.

"4thly. That under the circumstances we are driven to the importation of opium or bullion, the latter of which may be impossible, and the former not generally imported by those deeply interested in the Lancashire and Yorkshire trade."—North-China Herald, Sept. 3rd, 1853.

were sold. The treaties, however, provided no system of bonding, and stipulated for the immediate payment of duty before imports could be landed; and, hard though the situation was, no relief could be granted. In 1855 the foreign merchants took steps to monetise the Mexican dollar, as had been done at Canton; in May the consuls addressed the Taotai in support of the proposition;<sup>29</sup> and in August the Taotai issued a proclamation, which was published by a circular of the three treaty-power consuls of September 1st, by which the Mexican and other South American dollars were declared entitled to circulate on equal terms with the Carolus dollar, in the proportion of their slightly differing intrinsic value.<sup>30</sup> This attempt did not succeed. The Chinese were too heavily loaded up with the Carolus dollar, which they had obtained at a price far beyond its intrinsic value, for them to consent to any steps calculated to demonetise the coin, and they resisted all change. The money stringency became more marked. In the summer of 1856 current interest was at 1·80 to 2·00 per mille per diem (65 to 75 per cent. per annum);<sup>31</sup> Carolus dollars could no longer be found in Europe at any price;<sup>32</sup> the coins were hoarded more closely than ever; and the coinage which represented the money of account of Shanghai was practically non-existent,<sup>33</sup> although, probably, from fifty to sixty millions had been introduced within the space of four years. Confusion reigned supreme. Imports were imported in sterling, sold for dollars, and paid for in the only available medium, taels of sycee; but even sycee was scarce, since it was not attracted to the port by being the official circulating medium, and Shanghai was "in the predicament of having no standard of value for business transactions—

<sup>29</sup> North-China Herald, May 24th, 1855.

<sup>30</sup> Ibid., Sept. 8th, 1855.

According to a joint assay of July 23rd, 1855, the quality of silver was declared to be as follows: Tls. 100 weight of pure sycee were the equivalent of

Tls. 112·110 weight of Mexican dollars.			
"	111·957	"	Peruvian "
"	111·255	"	Bolivian "
"	110·720	"	rupees.
"	110·622	"	Carolus dollars.

—North-China Herald, July 28th, 1855.

<sup>31</sup> Ibid., June 7th, 1856.

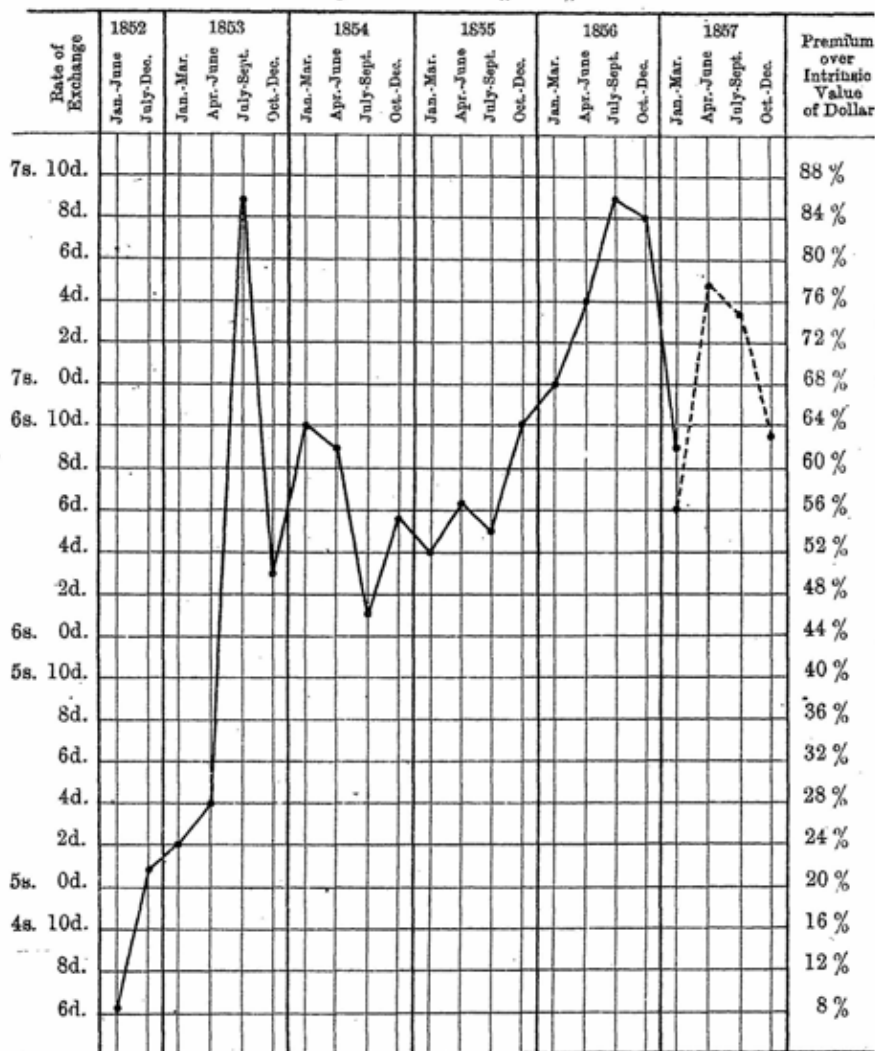
<sup>32</sup> Ibid.

<sup>33</sup> Ibid., Nov. 1st, 1856.

# Highest Rates of Exchange at Shanghai for Six-Months' Credits on London.

———— for Carolus Dollar (1852-February 1857) and  
----- for Shanghai Tael (March-December 1857)

Carolus Dollar = 374½ grains fine silver  
Shanghai Tael = 525        "        "







whether in buying or selling, we do not know what we shall receive, or what we shall have to pay."<sup>34</sup> There was, moreover, a fluctuating rate of exchange between sterling and dollars, and another and different fluctuating rate of exchange between dollars and taels, while the Chinese had to deal with still another and quite independent rate of exchange between the tael and copper cash.

§ 14. The Chinese merchants began to get into difficulties, and the banks to go bankrupt; and, though they were large holders of Carolus dollars,<sup>35</sup> they decreed that all transactions at Shanghai should be in Shanghai taels.<sup>36</sup> The foreign merchants, appalled at the intricacies of the Chinese currency system,<sup>37</sup> and reluctant to abandon a currency which was represented by a coin, attempted to resist the change; but they found that, when they sold their goods for dollars, they had also to settle the rate of exchange between dollars and taels, and, when they bought a bill of exchange, they had to settle, not only the rate between sterling and dollars, but at the same time the rate—a future rate—between dollars and taels; and they were forced to cease attempting to combine the function of merchant with that of banker and money-changer. They abandoned the dollar as their money of account, and adopted the Shanghai tael, an intangible thing which no one has ever seen; and on a given day the banks transferred the accounts kept with them, unit for unit, from a currency of which the unit contained 374½ grains, to a currency of which the unit contained 525 grains, of fine silver.

<sup>34</sup> North-China Herald, Jan. 3rd, 1857.

<sup>35</sup> That is, nationally; it is probable that the bankers and merchants had passed their holdings on to private persons, by whom they were buried for safety. For a curious survival of currency of the Carolus dollar, at a constant high premium, cf. the author's "Trade and Administration of the Chinese Empire," p. 163.

<sup>36</sup> North-China Herald, March 14th, 1857.

<sup>37</sup> Cf. chapter on Currency in "Trade and Administration of the Chinese Empire."

## CHAPTER XIX

### RUSSIA AND CHINA

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§ 1. RUSSIA, advancing her frontiers towards Europe, was also expanding towards the east; but her eastward expansion, at the end of a long and slender line of communication, was checked by the Manchus in 1689, when, by the treaty of Ner-tchinsk, she was compelled to dismantle her frontier posts, and to withdraw behind the Argun and beyond the watershed of the Amur.<sup>1</sup> The Argun remains still the boundary between the two empires, and to that extent the victory of the Chinese emperor's armies and diplomats preserved to China the territory which is now shown on the maps as constituting Manchuria. Russia was required by the treaty to confine herself between the Argun and the Shilka, which unite at the modern Strelotchnoi<sup>2</sup> to form the Amur; but the flow of a bed of lava is irresistible, and, after the lapse of a century-and-a-half, by successive steps culminating in the administration of Muraviev-Amurski, Russian colonists absorbed the territory lying north of the Amur, and, towards the middle of the nineteenth century, the

<sup>1</sup> Cf. chap. iii, § 22.

<sup>2</sup> Lat. 53°20' N., long. 121°20' E.—The China Inland Mission Atlas of the Chinese Empire. Cf. chap. iii, n. 73.

Russian forces obtained a foothold on the Pacific.<sup>3</sup> In August 1850 Nikolaievsk was founded at the mouth of the Amur as a place of arms and of trade. The country north of the Amur had never been occupied by the Manchus, and its chief value to them was as a place from which their hunters could obtain furs of the more valuable kinds.

§ 2. The treaty of the frontier, in 1727, provided for the delimitation of the frontier at Kiakhta, south of Lake Baikal, and regulated the trans-frontier trade at that place. This trade was conducted by caravans between Moscow and Peking; but the Empress Catherine, anxious to preserve a good understanding with the Chinese court, resolved to transfer the Peking trade to Kiakhta;<sup>4</sup> this was probably in, or soon after, the year 1762. Conventions were signed, regulating this trade, in 1768 and in 1792. The caravan trade at this joint mart, Kiakhta on the Russian and Maimaichen on the Chinese side of the frontier, was under strict official control on both sides, and it was moreover a trade by barter, the exchange of silver or other money being strictly prohibited. The Russians arrived with their broadcloth from Nijni Novgorod, and their sheep and lamb-skins and choice furs from Asiatic Russia, and exchanged them there for the tea-leaf, brick tea, woven silk and cotton cloth brought by the Chinese traders. Transactions were entirely by barter; a piece of broadcloth exchanged for so much tea of such a quality, a piece of silk for so many lamb-skins; and in such exchanges between the shrewd Chinese, with centuries of trading traditions, and the uncommercial Russians, it may safely be assumed that the broadcloth represented little and the tea much when reduced to any common standard of international exchange.<sup>5</sup> We find here, reduced to its simplest form,

<sup>3</sup> Ular, "A Russo-Chinese Empire," p. 6.

<sup>4</sup> Gutzlaff, "Chinese History," ii, p. 435. As to the date cf. chap. iii, § 23, n. 82.

<sup>5</sup> "Not only is the trade essentially one of barter, but the use of money is strictly interdicted. The value of all the commodities is fixed by commissioners, appointed on either side, who are presided over by their respective authorities. These parties meet and draw up regulations determining the price of every article of import, and of the tea to be given in exchange for it; and not only the price of the tea, but the proportion of each sort to be bartered for the different articles. The commissioners on the Chinese side would only be acting with the adroitness and artifice common to their nation if, as it is alleged, the arrangements they make tell more to the advantage of their countrymen than to that of the Russians. That such is the case would appear

the commercial condition prevailing in the Canton factory when it was a question of selling imported goods; at Canton the results of the sale of English broadcloth and other woollens showed a persistent book-loss,<sup>6</sup> although, when completed by the sale of the tea bought with their proceeds, the transaction might show a profit; and practically at Canton, as actually and compulsorily at Kiakhta, the exchange of goods was a trade by barter.<sup>7</sup>

§ 3. This trans-frontier trade was never reduced to a common standard of value; and, as Chinese statistics are non-existent, we are driven to take the Russian values, low for Russian products, high for Chinese commodities, or else to work out values approximately from quantities. In 1830 it was stated before a select committee of the House of Commons that the entire annual trade, import and export, at Kiakhta was valued at 150,000,000 paper roubles (£7,800,000);<sup>8</sup> this was an exaggeration. A careful authority, writing in 1799, estimates the value of the trade at 2,000,000 specie roubles (£250,000) inwards, and as much outwards;<sup>9</sup> and elsewhere he arrives at the same result by a calculation from the rates and amount of duty levied by the Russian custom-house at Kiakhta.<sup>10</sup> Sir J. F. Davis gives the value of Russian products exchanged in 1840 at \$3,615,130, and of Chinese produce at \$6,892,952, but he does not cite his authority.<sup>11</sup>

§ 4. Of the Siberian products, furs and sheep and lamb-skins, we have no statistics, or even estimates. The products from European Russia consisted mainly of a coarse broadcloth, mostly woven in Russia, but to some extent coming from the looms of Belgium and Saxony. With a width of 62 to 64

from the circumstance of teas never remaining unsold at Maimaichen; while Russian goods are often so depreciated in value as to wait until a second, or perhaps even a third, year for a market."—Harry Parkes, "Russian Caravan Trade with China," *Journal of Royal Geographical Society*, xxiv (1854). Cf. also Wingrové Cooke, "China," p. 199.

<sup>6</sup> Cf. chap. iv, § 14.

<sup>7</sup> Cf. chap. iv, § 15.

<sup>8</sup> Außer, "China: an Outline," p. 117.

<sup>9</sup> Tooke, "Russian Empire," iii, p. 589. He supports his estimate by references to Coxe, "Travels," i, p. 181, and "Discoveries of the Russians" (page not cited).

<sup>10</sup> Tooke, *op. cit.*, iii, p. 597.

<sup>11</sup> J. F. Davis, "China since the Peace," ii, p. 37. The Chinese produce, costing \$7,000,000 at Kiakhta, is declared to have realised \$18,000,000 at Nijni Novgorod.

inches, the quantity exchanged at Kiakhta in the years 1833-1841 was as follows: <sup>12</sup>

YEAR.	QUANTITY.	COST AT MOSCOW.	COST AT KIAKHTA.
	Yards.	Roubles.	Roubles.
1833	632,200	5,050,000	5,850,000
1834	657,540	5,250,000	6,080,000
1835	757,740	6,060,000	7,010,000
1836	905,000	7,240,000	8,370,000
1837	668,440	5,347,500	6,183,000
1838	790,800	6,325,600	7,315,000
1839	997,600	7,980,000	9,225,000
1840	1,016,120	8,130,000	9,400,000
1841	1,269,400	10,155,000	11,740,000

Other European products—cotton and linen fabrics, iron, leather, etc.—and Siberian furs and skins, may be considered to have brought the total money cost of Russian exports exchanged to a sum, in 1841, of 15,000,000 roubles.

§ 5. Chinese exports consisted to some extent of cotton cloth (estimated quantity, 80,000 pieces <sup>13</sup>) and woven silk, but the principal article of exchange was tea—leaf for Europe, brick for Siberia. Of tea the following fragmentary statistics are given, extracted from various sources :

YEAR.	TEA LEAF.	BRICK TEA.
	lb.	lb.
1800	3,111,000	—
1830	5,563,444	—
1832	6,461,000	—
1838	8,968,900	—
1843	7,400,000	—
1849	6,128,944	4,607,768
1850	8,014,864	3,349,990
1851	9,082,655	3,831,132
1852	9,208,764	4,638,060

For this last year, 1852, one authority <sup>14</sup> estimates the quantity of tea-leaf at 18,000,000 lb., and of brick tea at “about

<sup>12</sup> Chin. Rep., June 1845.

<sup>13</sup> Parkes, *ubi sup.*

<sup>14</sup> *Ibid.*

3,000,000 lb., but this calculation is in all probability greatly underrated"; and he estimates the "value in China" at \$5,600,000. This would represent probably a cost price, delivered at Kiakhta, of \$6,250,000, and a fair estimate for other Chinese products would bring the total to fully \$7,000,000.<sup>15</sup>

§ 6. In addition to the trade by way of Kiakhta, on what has been from times long past, and is now, the regular trans-Siberian caravan route, another branch of the trans-frontier trade had sprung up at the western extremity of the Chinese empire, at Kuldja (Ili) and Tarbagatai.<sup>16</sup> At these two places, on the inland side of the great watershed, the streams flowing thence westward into Central Asia, trade grew up without regulation towards the middle of the nineteenth century.<sup>17</sup> On July 25th (o.s.), 1851, a convention was signed at Kuldja to regulate this trade.<sup>18</sup> This convention followed the treaties of 1689 and 1727 in stipulating that criminals were to be handed to the authorities of their own country for punishment.<sup>19</sup> At the two marts no duties were to be levied on either side,<sup>20</sup> except that two out of every ten sheep were to be taken by the Chinese government, which was to give for each one piece of cotton cloth.<sup>21</sup> Caravans were to arrive, and might remain, within the period from March 25th (o.s.) to December 10th (o.s.);<sup>22</sup> were to protect themselves from brigands generally,<sup>23</sup> but were to have an escort of troops from one Chinese military post to the next;<sup>24</sup> and were to have land allotted at the two marts on which to build their factories.<sup>25</sup> The merchants on both sides were to have free access to each other, but the Russians were not to leave their factories and go on the streets, without a permit from the consul;<sup>26</sup> no merchant on either side was permitted to sell on credit;<sup>27</sup> the Russians were to be allowed the free exercise of their religion, and were to have land for a cemetery.<sup>28</sup>

<sup>15</sup> Cf. l. 10.

<sup>16</sup> Kiakhta, lat. 50-18 N., long. 106-26 E.; Kuldja, lat. 43-57 N., long. 81-12 E.; Tarbagatai, lat. 46-45 N., long. 83-0 E.—Atlas of the Chinese Empire.

<sup>17</sup> The Peking Gazette of Nov. 19th, 1854, referred to commercial intercourse with the Russians at Tarbagatai, continuing since 1847.—North-China Herald, Dec. 23rd, 1854.

<sup>18</sup> Treaties, i, pp. 21, i.

<sup>19</sup> Arts. ii, vi, vii, ix, x, xi.

<sup>20</sup> Art. iii.

<sup>21</sup> Art. xv.

<sup>22</sup> Art. viii.

<sup>23</sup> Arts. vi, xi.

<sup>24</sup> Arts. iv, v.

<sup>25</sup> Art. xiii.

<sup>26</sup> Art. ix.

<sup>27</sup> Art. xii.

<sup>28</sup> Art. xiv.

Official communications were to pass under the seals of the "superior administration of Western Siberia" on the one side, and of the "superior administration of Ili" on the other.<sup>29</sup>

§ 7. The treaty of Aigun<sup>30</sup> was signed on May 16th, o.s. (May 29th, n.s.), 1858, between Count Muraviev, governor-general of Eastern Siberia, on the part of Russia, and Prince Yishan, commander-in-chief of Heilungkiang, for China. Rebellion had rent the Chinese empire for ten years previously; eighteen months before China had become embroiled with England, and five months before Canton had fallen to the allied English and French forces; ten days before the Taku forts had been taken; and on that same day was issued the Imperial edict investing Kweiliang and Hwashana with full powers to submit to the conditions imposed on China, and to negotiate the several treaties of Tientsin. It is not known what physical force Muraviev-Amurski had behind him in his campaign from 1848 to 1858; but in May 1858 the Chinese court was not in a position to deny him anything he might ask, and the treaty was signed and ratified. By it the territory on the left (north) bank of the Amur, from the mouth of the Argun<sup>31</sup> to the mouth of the Amur, was recognised as Russian; that on the right (south) bank, as far down-stream as the Ussuri, was recognised as Chinese; the territory between the Ussuri and the sea (since 1860 the Russian province of Primorsk) was to be held in common by the two empires, until the question of the frontier between the two should be settled; the navigation of the Amur, Sungari, and Ussuri rivers was to be open only to Russian and Chinese vessels;<sup>32</sup> and trade across the border was to be permitted,<sup>33</sup> but no regulations were prescribed.

§ 8. This treaty was negotiated by Count Muraviev in his capacity of governor-general and administrator of the territory east of the Shilka, which, in the course of ten years, he had absorbed into the Russian dominion. Prior to this, Admiral Count Putiatin had been commissioned to negotiate a com-

<sup>29</sup> Art. xvi.

<sup>30</sup> Treaties, i, pp. 27, *lv*. Aigun is on the south (Manchurian) bank of the Amur, a short distance below Blagovestchensk on the north bank.

<sup>31</sup> Cf. *antea*, § 1.

<sup>32</sup> Art. i.

<sup>33</sup> Art. ii.



mercial treaty for the purpose of obtaining for Russia the privileges of trade by sea at the treaty ports which had been granted to the maritime powers, and from which Russia was expressly excluded.<sup>34</sup> He travelled overland to his post, and first asked permission to proceed to Peking by way of Kiakhta; this being refused by the Chinese court, he then proceeded to the mouth of the Peiho; here he was informed that he could not pass, but that his letters would be forwarded to Peking, and the answer sent to him at Kiakhta, to which place he was directed to return. Ultimately, however, he received at the Peiho an answer refusing permission for him to proceed to Peking, and informing him that, in any case, the kotow would be demanded from him, as it had been from his predecessors. He then, in November 1857, proceeded to Hongkong, where he joined the envoys of the three maritime treaty powers;<sup>35</sup> and from this date, while force was applied by two only of the powers, diplomatically the representatives of all four worked together. Like the American, the Russian envoy had "positive instructions to abstain strictly from all coercive measures against the Chinese government, except in case of extremity."<sup>36</sup>

<sup>34</sup> Cf. chap. iii, § 24.

<sup>35</sup> Lord Elgin to Lord Clarendon, Nov. 14th, 1857, Corr. rel. Earl of Elgin's Missions, 1857-1859, p. 53; L. Oliphant, "Lord Elgin's Mission," i, p. 93.

<sup>36</sup> Cte. Putiatin to Lord Elgin, March 29th, 1853, Corr. rel. Elgin's Mission, p. 254; J. W. Foster, "Am. Dip. Orient," p. 236.

## CHAPTER XX

### FRANCE, AMERICA, AND ENGLAND

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§ 1. Four of the Western powers were now demanding from China an extension and an improvement in the commercial and diplomatic relations between the governments and merchants of the respective countries. Of these, two, America<sup>1</sup> and Russia,<sup>2</sup> had given strict instructions to their representatives to use moral suasion alone, and to abstain strictly from any hostile steps which might lead to war; England, whose representatives and merchants had many grievances calling for redress, had been directly injured by the seizure of the *lorcha Arrow*, and her representatives had made of this seizure a *casus belli*, but the demand for reparation had been supported by forces utterly inadequate for the occasion; and France found a *casus belli* in the blood of a murdered missionary. The foreign trade of China by sea was almost entirely in the hands of the English and American merchants, and the material advantages sought for in the proposed new treaties chiefly affected those two

<sup>1</sup> Cf. chap. xvi, § 16.

<sup>2</sup> Cf. chap. xix, § 8.

countries; Russia had, and could have, no concern with the sea trade; and France, while her merchants were large buyers of silk, had up to this time been content either to buy it in London or to finance it through London, and had but little direct trade with China; her chief official interest in that country was the protection of the Catholic<sup>3</sup> church, which has always been her special charge *in partibus infidelium*.

§ 2. The emperor's edicts<sup>4</sup> of 1844 and 1846 granted toleration to Christianity throughout the empire, and ordered the restoration of church property which had been confiscated over a century before; and the Catholic missionaries had promptly and zealously seized the opportunity thus given to them to spread their faith, and had gone to those places where formerly churches of their communion had existed, and to others where there seemed a fair prospect of building a fold and finding sheep to fill it. In 1850 the greater part of the province of Kwangtung and the whole of Kwangsi, the latter much disturbed by insurrection,<sup>5</sup> were made an "apostolic prefecture,"<sup>6</sup> being then cut off from the diocese of Macao, which remained under Portuguese influence; and, in 1853, a missionary named Auguste Chapdelaine was sent to Kwangsi, which continued to be overrun by insurgent bodies. He settled at Silin, in the extreme north-west corner of the province, the farthest removed from the centre of government, and was, at first, well received and even encouraged by the magistrate (Hien) of the city.<sup>7</sup> But, by a succeeding magistrate, he was arrested and imprisoned in chains on February 24th, 1856; on the 25th he was brought out for trial and subjected to the blows by which customarily it is sought to extort a confession from Chinese criminals; on the 27th he was subjected to the torture of kneeling on chains; on the 28th he was placed for execution in the criminals' cage, in which culprits are

<sup>3</sup> For brevity, "Catholic," in this book, will be taken to mean the Roman Catholic Church, recognising the supremacy of the Pope; "Orthodox" will mean the Russian Orthodox church and its branches; and "Protestant" will include all the Christian churches following the Latin form, but rejecting the supremacy of the Pope, whether they style themselves Catholic, Lutheran, or Calvinist.

<sup>4</sup> Cf. chap. xii, § 12; appendices W, X.

<sup>5</sup> Cf. chap. xvii, § 11.

<sup>6</sup> The name given to a bishop's diocese in infidel parts.

<sup>7</sup> Letter of M. de Courcy, French chargé d'affaires, in Cordier, "Expédition de Chine de 1857-1858," p. 19.

strangled; and on the 29th, as he still survived, he was decapitated, and his body, horribly mutilated, was thrown to the dogs.<sup>8</sup> This judicial murder had been preceded by a persecution of the Chinese Christians of Silin, houses being plundered wholesale, twenty-five converts imprisoned, tortured, and robbed of all they possessed, and two put to death, one by decapitation, the other, being a woman, by the mitigated form of strangulation.<sup>9</sup>

§ 3. It is a serious question whether the privilege of extraterritorial jurisdiction, which had been secured by the first series of treaties, does not impose upon the representatives of the foreign powers the duty of seeing that their nationals, the beneficiaries of the privilege, do not knowingly place themselves in hazardous positions. At the treaty ports this responsibility is easily exercised, and there have been occasions when consuls have withdrawn themselves and their nationals from situations of threatened peril, or, more frequently, when they have ordered away to places of greater security the weak and defenceless among the community. When the protected subject lives in the interior, as is the case with the majority of the missionaries, the question is more complicated. On the one hand the risk, from the acts of an ignorant populace and an equally ignorant magistracy who see nothing of the armed power of foreigners, is much greater; but on the other hand, to order the withdrawal of the missionaries whenever there were reports of threatened disturbance would effectively stop their work. In this particular case, however, the province to which Père Chapdelaine was sent had been overrun by rebels for some years previously, and it was notorious, at any time certainly after 1850, that the functions of the government were entirely in abeyance; the emperor's writ ran unquestioned nowhere in that province, and, at the time of the murder, the provincial authorities even in Kwangtung exercised an undisputed jurisdiction at few places which were not in the immediate vicinity of Canton. Had it been a case of simple riot and murder, the Chinese authorities might well have pleaded *vis major*; and they might have declared that the

<sup>8</sup> M. de Courcy to Commr. Yeh, July 25th, 1856, Cordier, op. cit., p. 24; Père Libois to Sir J. Bowring, July 12th, 1856, Corr. resp. insults in China, p. 220.

<sup>9</sup> M. de Courcy to Commr. Yeh, July 26th, 1856, Cordier, op. cit., p. 28.

French authorities ought to have exercised over the free movement of their nationals the control which was a few months later exercised by the British plenipotentiary in the case of William Burns,<sup>10</sup> and to have forbidden Chapdelaine to go into so disturbed a part of the interior. This plea was, however, barred by the fact that the murder was the official and judicial act of the Emperor's representative in Silin, for which the government must be held responsible.

§ 4. It was only after a lapse of five months that precise information, the accuracy of which does not seem to have been disputed, reached Canton; and, on July 25th, the French representative wrote to the High Commissioner, giving particulars of the acts complained of, and appealing to the provision of the treaty<sup>11</sup> that Frenchmen arrested for any cause in the interior should be sent to the consul at the nearest port, and that neither the authorities nor the people of China might strike or wound any Frenchman so arrested, or subject him to ill-treatment of any description. He declared that the captivity of Père Chapdelaine, the tortures to which he was subjected, his cruel death, and the outrages committed on his body, constituted a flagrant and detestable violation of the solemn engagements undertaken by the treaty; and he called upon the High Commissioner to suggest the terms of the complete reparation which he demanded. He further asked that a date be appointed for a personal interview on the subject.<sup>12</sup> In his reply Commissioner Yeh declared that mission work under the treaty was restricted to the five open ports; and pointed out that Kwangsi was much troubled by bandits, who often, falsely without doubt, asserted that they were Christians, but in fact many who called themselves, and many who actually were, Christians took part in the revolt, and they must be severely dealt with. He would, however, make further inquiry; and meantime, with reference to the request for a personal interview, "my duties in connexion with military operations in Kwangsi and Kiangsi do really not permit me to receive you, but when order is restored I shall be able to settle the place and time for the interview."<sup>13</sup>

<sup>10</sup> Cf. chap. xvi, § 2.

<sup>11</sup> Fr. tr. Whampoa, 1844, art. xxiii.

<sup>12</sup> M. de Courcy to Commr. Yeh, July 25th, 1856, Cordier, op. cit., p. 24.

<sup>13</sup> Commr. Yeh to M. de Courcy, Aug. 20th, 1856, *ibid.*, p. 30.

§ 5. The French envoy then formulated his demand for redress in the following terms: the degradation and exile of the Silin magistrate; an official despatch from the High Commissioner declaring that this act of justice had been done; and an Imperial edict notifying the degradation of the magistrate, and declaring that similar punishment would be inflicted on any one who in future so infringed the provisions of the treaty.<sup>14</sup> Having made this demand, and having no sufficient force at his disposal to enforce it,<sup>15</sup> he then referred the question to his government for instructions; and, until these should be received, adopted a quiescent attitude, even remaining strictly neutral when, less than two months later, the English were drawn into hostilities with Commissioner Yeh,<sup>16</sup> and invited the co-operation of the French, who had been their allies in the Crimea, and of the Americans, who had taken the initiative in pushing to the front the question of treaty revision, which could only result in war.<sup>17</sup>

§ 6. In Paris the opportunity of intervening on behalf of the Catholic missions in China, and of adding to the moral position occupied by France since the time of Louis XIV, a prestige based on a demonstration of physical force, was not unwelcome; and, besides this, intervention in Chinese affairs at this juncture permitted the Imperial government of France to continue the common action with England which had been its policy for the past three years. During October, before the news of the *Arrow* episode, and of the reprisals taken thereon, reached London, the course to be followed was discussed between Lord Clarendon and Count de Persigny, the French ambassador, and a line of action in concert was agreed upon. The two countries were to unite in the demand for reparation for the murder of Père Chapdelaine; and, by a joint expedition to the mouth of the Peiho, were to press for satisfaction for the acts of hostility committed by the Chinese people at Canton and elsewhere,<sup>18</sup> and for the revision of the treaties which had

<sup>14</sup> M. de Courcy to Commr. Yeh, July 25th, 1856, Cordier, op. cit., p. 31.

<sup>15</sup> M. de Courcy to Min. For. Aff., Sept. 1st, 1856, *ibid.*, p. 33.

<sup>16</sup> Cf. chap. xvi, § 16.

<sup>17</sup> "Dans les dispositions actuelles du gouvernement chinois, la demande du renouvellement des traités, c'est la guerre avec la Chine."—Letter of M. de Bourboulon, March 9th, 1857, Cordier, op. cit., p. 115. Cf. also appendices U, V.; chap. xv, §§ 15, 17; chap. xvi, § 16.

<sup>18</sup> Cf. chap. xiv, *passim*.

already been demanded.<sup>19</sup> The French had suggested the joint occupation of Chusan as a means of bringing pressure to bear on the Chinese government; but this was not acceptable to the British government,<sup>20</sup> and a naval demonstration on the Yangtze was substituted for it.<sup>21</sup> M. de Bourboulon was on the point of returning to China to resume his duties as French envoy; and the instructions given to him informed him that the cabinets of Paris, London, and Washington were agreed in deciding that combined action should be taken to procure a revision of the treaties. The first, and most important, point was to provide for the residence of the foreign envoys in Peking, in order that they might make their representations direct to the central government, without the disagreeable incidents and vexatious delay consequent on the existing situation at Canton. The second point was to obtain an extension of trading facilities and the opening of additional ports. There were other points which had been proposed by the American government—the despatch of Chinese envoys to Paris, London, and Washington, universal freedom of religious belief for all Chinese, and reform of the courts of justice—and for these it was considered that the opportune moment had not arrived. A most important point, however, was to obtain guarantees for the safety of French missionaries. These desirable conditions were to be obtained by combined naval action by the three powers, which, it was stated, were to send to China the naval forces which might be judged necessary; and, backed by these forces, the plenipotentiaries were to proceed to the Peiho, and as far up that river as their ships could take them, and were there to open negotiations.<sup>22</sup> A month later, in consequence of the local development of the *Arrow* affair, M. de Bourboulon was informed that it was left to him to decide whether to apply pressure at Canton or at the Peiho.<sup>23</sup>

§ 7. The French government had thus fully adopted much

<sup>19</sup> Cf. chap. xv, *passim*.

<sup>20</sup> The Brit. conv. Bogue, 1846, provided (art. iii) that Chusan should never be ceded to any other foreign power; and (art. iv) that the British would protect it from invasion by others.

<sup>21</sup> Note of Count Walewski, Min. For. Aff., Nov. 4th, 1856, Cordier, *op. cit.*, p. 92.

<sup>22</sup> Count Walewski to M. de Bourboulon, Dec. 25th, 1856, *ibid.*, p. 96.

<sup>23</sup> Count Walewski to M. de Bourboulon, Jan. 2<sup>nd</sup>, 1857, *ibid.*, p. 101.

of the English programme,<sup>24</sup> as outlined in Lord Clarendon's despatch of February 13th, 1854, and, before they had heard of the situation created by the *Arrow* episode, both were resolved on applying force to the Chinese court in order to carry it out; but they believed that the force would be applied by a triple alliance between England, France, and America, moving together to a common end. They had every reason to believe this; the American commissioner, Dr. Parker, had been authorised to initiate a policy which, in the opinion of those who were qualified to judge, could only lead to war, since the Chinese court would certainly resist any change which would raise the foreign powers to a position of closes equality; and, as events matured in the Far East, the two European governments applied to Washington, asking for such joint action as would place the three powers in line in pressing the concession of the demands which had been made. The answer was unfavourable, and the Americans gave no active aid.

§ 8. On the inauguration of President Buchanan, Mr. William B. Reed was, in April 1857, appointed the first envoy-extraordinary and minister-plenipotentiary to China, his predecessors having been commissioners of the United States; and he arrived in Hongkong, to assume the duties of his post, in November. His instructions were to press on the Chinese government such a revision of the treaties as would give—

1°. Residence of the foreign envoys at Peking, audience of the emperor, and relations with a regularly appointed ministry of foreign affairs.

2°. Extension of commercial intercourse, and better regulation of the inland dues on foreign imports.

3°. Religious freedom for foreigners.

4°. Measures for the better observance of treaty stipulations.

This was a more restrained programme than that which Dr. Parker had been authorised to press on the Chinese,<sup>25</sup> and was more in accord with the present intentions of the English and French; and, to secure its adoption by China, he was instructed to co-operate with the envoys of those two powers in all peaceful ways. He was at the same time furnished with copies of correspondence with the British cabinet, in which that government had urged the American government

<sup>24</sup> Cf. chap. xv, § 13; appendix Q.

<sup>25</sup> Cf. chap. xv, § 16.



to make common cause with the two European powers in their proceedings in China. He was, however, reminded that the authority to declare war on a foreign power was vested solely in congress, and was informed that, in the judgment of the president, the present relations between America and China did not justify a resort to war; and he was instructed to trust to moderation, discretion, and the work of time for success in his attempts to open China to foreign trade and intercourse.<sup>26</sup> Upon his arrival in Hongkong he communicated the purport of his instructions to his English and French colleagues, "much to their surprise and disappointment," as they had not been informed of the result of the invitation to co-operate, and had been "encouraged in the most extravagant expectation of co-operation" on the part of the American envoy and naval forces.<sup>27</sup>

§ 9. On applying to Commissioner Yeh for an interview, in order that he might carry out the instructions of his government, Mr. Reed was informed that "the High Commissioner was extremely desirous of having such an interview," but that, since the destruction of the suburbs by the English, "there is really no place at which to hold it"; as to negotiations, there was no occasion for them, since the existing treaty was satisfactory and beneficial, and required no alteration.<sup>28</sup> As the result of this reception and of his personal investigation of Chinese conditions, he soon came to entertain the opinion which had been held by his predecessors as American representative,<sup>29</sup> and which was held by his English and French colleagues; and he informed the secretary of state that "I do not hesitate to say that a new policy towards China ought to be initiated, and that the powers of Western civilisation must insist on what they know to be their rights, and give up the dream of dealing with China as a power to which any ordinary rules apply." Writing a month later he stated that "nothing short of an actual approach to Peking, with a decisive tone and available force," would produce the result hoped for. When, later, he joined with the English and French envoys in forwarding simultaneous notes to Peking,<sup>30</sup> he submitted for the consideration of

<sup>26</sup> J. W. Foster, "Am. Dip. Orient," p. 231.

<sup>27</sup> *Ibid.*, p. 232.

<sup>28</sup> *Ibid.*, p. 233.

<sup>29</sup> Cf. chap. xvi, § 16; appendix S.

<sup>30</sup> Cf. chap. xxi, § 19.

the president "the possible alternative of a persistent and contemptuous refusal to entertain any friendly proposition to afford redress for injuries, or to revise the treaties"; and he asked to be invested with power to exercise the necessary coercion to bring the court to terms. The secretary of state replied that, though the provocation existed, it had not yet been decided to resort to hostilities; and that, if war should seem later to be advisable, the president would have to ask congress for the necessary authority.<sup>31</sup>

§ 10. So long as the negotiations and operations which it was intended to conduct in China were to follow the course which, for the redress of grievances, had been pursued for ten years, and, for treaty revision, for three years past, it was the intention of the British and French governments to leave the conduct of affairs in the hands of their representatives in China, Sir J. Bowring and M. de Bourboulon; but the precipitate action of the British plenipotentiary in demanding redress, and the inconclusive results of the reprisals undertaken by Admiral Seymour with the limited force at his disposal, made the situation more acute and induced both governments to entrust the negotiations to ambassadors-extraordinary, who were to assume the direction of affairs over the heads of the resident envoys. The Earl of Elgin and Kincardine was accordingly appointed High Commissioner and plenipotentiary by the British government, and the French appointed Baron Gros to be commissaire-extraordinaire et plenipotentiaire. Lord Elgin's instructions<sup>32</sup> formulated the demands which were to be made to the Chinese government as follows:

- 1°. Reparation for injuries to British and French subjects.
- 2°. The complete execution of the treaty stipulations at Canton and elsewhere.
- 3°. Compensation for losses occasioned by the late disturbances.
- 4°. The residence of the British plenipotentiary at Peking, and recognition of his right to communicate directly in writing with the high officers there.
- 5°. Revision of the treaties with a view to obtaining increased facilities for trade, such as the opening of additional ports, and permission for Chinese trading vessels generally to resort to Hongkong.

<sup>31</sup> J. W. Foster, *op. cit.*, p. 234.

<sup>32</sup> Lord Clarendon to Lord Elgin, April 20th, 1857, *Corr. rel. Earl of Elgin's Special Missions to China and Japan, 1857-1859*, *pres. H. of Commons*, July 15th, 1859, p. 1. Lord Elgin's commission was dated March 28th.

Baron Gros' instructions<sup>33</sup> were similar in effect; and, while special stress was laid on obtaining reparation for the murder of Père Chapdelaine, and greater security for the missionaries in future, he was in general instructed to make demands of the nature indicated above.

§ 11. Lord Elgin received additional instructions<sup>34</sup> on the commercial facilities which it was thought desirable to obtain. The Chinese government was to be induced to open the ports of China generally to trade, and to permit foreigners to have access to the great cities of the interior, especially those on the Yangtze. The success of the foreign settlements at Shanghai had been such, that similar facilities should be obtained at Canton and elsewhere. The customs duties on foreign imports and exports were to be revised; and imports not finding a market in China should not be liable to duty. The difficult question of internal taxation was to be taken up, and it was suggested that these taxes might be commuted. Whatever arrangements might be made in regard to the amount of duties leviable on foreign trade, "I cannot too strongly impress upon your Excellency the necessity of abstaining from undertaking any obligation to protect the Chinese revenue," beyond undertaking the custody of the ship's papers. The opinion of the Chinese officials was to be obtained on the question of legalising the opium trade, the prohibition of which was not now enforced. Measures were to be taken to suppress piracy. The free exercise of their religious worship was, if possible, to be obtained for the members of all Christian communities, and protection for the life of missionaries and other peaceful travellers in the interior. Emigration was to be regulated. The rights of extra-territorial jurisdiction now enjoyed were to be fully confirmed. No exclusive privileges were to be claimed for British trade; and, to guard against future misunderstandings, all doubts as to the interpretation of the future treaty were to be solved by reference to the English text alone. Finally he was to act in all these matters in co-operation with his French and American colleagues.

<sup>33</sup> Min. Aff. Etr. to Baron Gros, May 9th, 1857, Cordier, *op. cit.*, p. 145.

<sup>34</sup> Lord Clarendon to Lord Elgin, No. 2, April 20th, 1857, Corr. rel. Elgin's Mission, p. 4.

## CHAPTER XXI

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§ 1. THE situation created at Canton by the *Arrow* episode was one which called for prompt action, as had been clearly seen by the responsible officials on the spot, Sir J. Bowring and Admiral Seymour ; and the friction which had arisen between the Chinese government and the Western powers because of the rejection of the claim for equality of status, the refusal to entertain the proposal to revise the treaties and to grant any redress for grievances, and, in the case of France, the denial of redress for the judicial murder of the missionary Chapdelaine—this too

created a situation in which delay increased the difficulty of a settlement. But France was not ready, and her forces were late in arriving in Chinese waters; and the attention of England was engaged elsewhere. The English people were exhausted, and the treasury drained by the Crimean war; and the attention of the Indian government, on which had fallen the burden of the previous operations in 1840-1842, was engrossed by the war with Persia, which lasted from November 1856, to March 1857, and from which the troops returned to India only in June, after the outbreak of the Mutiny. The Indian Mutiny, which blazed out on May 13th, 1857, was a final cause in creating further delay in settling the China question. A first intimation of the outbreak reached Lord Elgin at Point de Galle,<sup>1</sup> then the port of call in Ceylon; and, on his arrival at Singapore, on June 3rd, he received despatches from Lord Canning, governor-general of India, asking for the diversion to Calcutta of some of the troops intended for China.<sup>2</sup> Lord Elgin responded promptly, and was able to send two regiments, about 1700 bayonets, from Singapore;<sup>3</sup> and other troops, artillery and three regiments of infantry, on the way to China were diverted to Calcutta by Sir George Grey, governor of Cape Colony.<sup>4</sup> The naval force on the China station and the

<sup>1</sup> L. Oliphant, "Elgin's Mission," i, p. 17.

<sup>2</sup> Lord Canning to Lord Elgin, May 2, 1857, Corr. rel. Lord Elgin's Special Mission, 1857-1859, p. 8.

<sup>3</sup> Lord Elgin to Lord Canning, June 4th, 20th, 1857, *ibid.*, pp. 12, 13.

<sup>4</sup> Sir G. Grey seems to have acted on advices from Calcutta and Bombay, and not on any request from Lord Elgin; but, by whomsoever the troops were diverted, the arrival of the China troops turned the scale. Sir William Peel, captain of H.M.S. *Shannon*, and commander of the naval brigade, wrote: "Tell Lord Elgin that it was the Chinese expedition that relieved Lucknow, relieved Cawnpore, and fought the battle of the 6th December."—Walrond, "Letters of James, Eighth Earl of Elgin," p. 188. The relative degree of credit attaching to the two officials was discussed in letters in the *Times* in Aug. and Sept. 1909.

It may be of interest to note that the English troops for China consisted of regiments actually sent in regular turn of duty to India, but sent by way of China.

"It occurs to me that no time should be lost in sending reinforcements to that distant and hard-pressed colony [Hongkong]. We have four regiments of infantry ready to embark at once for India. Why not send them out at once? . . . If not required in China, direct them to India, to be there disembarked to replace other troops to come home."—Duke of Cambridge to Lord Panmure, March 5th, 1857, Panmure Papers, ii, p. 361.

"The cabinet finally resolved to send to China the four regiments at present under orders for India. Should the crisis in China have passed away, and affairs have assumed a more amicable condition, these regiments will go

troops at Hongkong, the latter numbering 1150 men,<sup>5</sup> were not to be withdrawn;<sup>6</sup> but later on Lord Elgin sent to Calcutta the two ships *Shannon* and *Pearl*, with a supplementary force of 300 marines,<sup>7</sup> and from these ships was drawn the naval brigade and its heavy 68-pr. guns. For the fleet a reinforcement of 1500 supernumerary marines was ordered to China, and was expected to arrive early in December;<sup>8</sup> their actual arrival was made to depend upon the result of operations in India,<sup>9</sup> but, in fact, they arrived during the month of November.<sup>10</sup>

§ 2. Lord Elgin proceeded to Hongkong, arriving there on July 2nd. He at once communicated to the American and French envoys his intention of going to the Peiho, in order to attempt, by a direct appeal to the government, to effect an amicable settlement of outstanding questions; and he invited their co-operation to this end.<sup>11</sup> Dr. Parker replied expressing his personal agreement with the plan of "simultaneous and concurrent action of the treaty powers in endeavouring to place their relations with China upon an honourable, just, and permanent foundation," but regretting that he had not yet received any "clue to the views and policy of the present administration in relation to China," and could therefore take no positive action.<sup>12</sup> M. de Bourboulon also expressed his personal agreement with the plan, but the appointment, of which he had just learned, of Baron Gros as ambassador-extraordinary deprived him of all power of initiative in the matter.<sup>13</sup> Lord Elgin then sent letters to intercept Baron Gros at various points, informing him that, in the hope of obtaining

on to their respective destinations."—Lord Panmure to Queen Victoria, March 8th, 1857, Panmure Papers, ii, p. 362.

On June 28th the cabinet resolved to "empower the governor at the Cape to send a regiment on to India," presumably from the Cape garrison.—Lord Panmure to Queen Victoria, June 28th, 1857, Panmure Papers, ii, p. 397.

<sup>5</sup> Memorandum of Oct. 10th, 1857, Corr. rel. Elgin's Mission, p. 50.

<sup>6</sup> Lord Clarendon to Lord Elgin, July 12th, 1857, *ibid.*, p. 7.

<sup>7</sup> Lord Elgin to Lord Clarendon, Aug. 22nd, 1857, *ibid.*, p. 34.

<sup>8</sup> Lord Clarendon to Lord Elgin, July 27th, 1857, *ibid.*, p. 9.

<sup>9</sup> Lord Clarendon to Lord Elgin, Oct. 10th, 1857, *ibid.*, p. 36.

<sup>10</sup> Moges, "Baron Gros' Embassy," p. 82; Wingrove Cooke. "China," p. 253; Lord Elgin to Adm. Seymour, Nov. 20th, 1857, Corr. rel. Elgin's Mission, p. 84.

<sup>11</sup> Lord Elgin to Dr. Parker and M. de Bourboulon, July 3rd, 1857, Corr. rel. Elgin's Mission, p. 15.

<sup>12</sup> Dr. Parker to Lord Elgin, July 6th, 1857, *ibid.*, p. 17.

<sup>13</sup> M. de Bourboulon to Lord Elgin, July 5th, 1857, *ibid.*, p. 16; Cordier, "Expédition de Chine, 1857-1858," p. 158.

his French colleague's co-operation, he had postponed his visit to the Peiho, and expressing the desire that Baron Gros should meet him at Shanghai not later than September 25th.<sup>14</sup> This Baron Gros was unable to do, as he only arrived at Macao on October 15th, and had his first interview with Lord Elgin on the 16th.<sup>15</sup> Lord Elgin utilised his time of enforced waiting in a visit to Calcutta, leaving Hongkong on July 16th, and returning there on September 20th.<sup>16</sup> One object of his visit was to ascertain if he could not earlier obtain the land forces for the China expedition, by taking regiments of Indian sepoys in place of English troops which had been sent to Calcutta.<sup>17</sup>

§ 3. The summer of 1857 was, for all these reasons, a period of marking time diplomatically, but the navy still showed signs of life. On May 25th a gunboat expedition was sent to attack Chinese war-junks in Escape Creek, one of the northernmost of the delta outlets of the East River; and, on that and the following day, after a series of hot contests and heavy casualties,<sup>18</sup> 40 junks were captured or destroyed, each armed with one 24-pr. or 32-pr. and from four to six 9-prs. On June 1st was fought the boat action of Fatshan Creek. The first attack, by a force of 1900 sailors and marines, was on two forts, mounting together 25 guns, supported by 72 war-junks whose large bow chasers swept the channel; the forts were first taken by assault, and their guns turned on the junks, which, being so moored that they could not escape, were all either taken or burned. The next stand was made close to the city of Fatshan, where "twenty 32-prs. sent twenty round shot, and a hundred smaller guns sent their full charges of grape and canister" into the English force of 500 which had reached this point; these forts were supported by 89 war-junks. This action was hotly contested, and for a long time victory hung in suspense; but ultimately the forts were taken, and the fleet of 89 junks went blazing up the creek past Fatshan. The expedition then returned forthwith to Hongkong—"The next morning as we passed down the river, two war-junks appeared three miles astern

<sup>14</sup> Lord Elgin to Baron Gros, July 29th, 1857, Corr. rel. Elgin's Mission, p. 28.

<sup>15</sup> Cordier, *op. cit.*, p. 171; Moges, *op. cit.*, p. 65.

<sup>16</sup> L. Oliphant, *op. cit.*, i, p. 52.

<sup>17</sup> *Ibid.*, i, p. 51.

<sup>18</sup> The casualties were 31 wounded in a force of 300.

and fired a gun; they were chasing the barbarian fleet."<sup>19</sup> The English loss in this operation was 13 killed and 40 wounded. The commander and hero of this action was Commodore Harry Keppel, whose own ship, the *Raleigh*, had been stranded, a total loss, the month before; for this Commodore Keppel was, on June 4th, sent before a naval court-martial, by which he was acquitted of blame. On August 7th Admiral Seymour established a blockade of the port and river of Canton with the British naval forces;<sup>20</sup> and his example was followed on December 12th by the French Admiral Rigault de Genouilly.

§ 4. Lord Elgin's instructions were strict, and in accordance with those given the Elliots in 1840 and to Sir H. Pottinger in 1841,<sup>21</sup> to the effect that pressure was to be brought to bear on the court of Peking by operations in the north or on the Yangtze. He was given,<sup>22</sup> it is true, the option of several lines of operation, among which was included an advance against Canton; but at the same time he was warned that "the last operation, which might lead to serious disorders in Canton, should, if possible, be avoided." The delay caused by the Indian Mutiny caused some modification in the opinion of the cabinet, and Lord Elgin was left "at liberty to use force at Canton to bring the local government to terms";<sup>23</sup> but this instruction did not reach him before the middle of October. The question whether to attack Canton or not, was one of the first to engage his attention on his arrival at Hongkong at the beginning of July. He found the weight of local opinion in favour of an immediate advance against that city, before undertaking any operations or making any representations in the north. Admiral Seymour held that

"the Canton difficulty, being a purely local question, should be dealt with at Canton alone; that it could be solved in one way, and in one way only,

<sup>19</sup> Wingrove Cooke, op. cit., chap. iii. On May 31st, 1907, a commemorative dinner of twenty-five of the survivors of the "boat action in Fatshan Creek" was held at the Whitehall Rooms in London. Among those present were Adm. Sir Vesey Hamilton, Adm. Sir Michael Seymour (nephew of Adm. Sir Michael Seymour, who commanded in chief in 1857), Adm. Sir William Kennedy, and Adm. the Hon. Victor Montagu.—Times, June 1st, 1907.

<sup>20</sup> Lord Elgin to Lord Clarendon, Sept. 24th, 1857, Corr. rel. Elgin's Mission, p. 41. For the French admiral's action, *ibid.*, p. 93.

<sup>21</sup> Cf. chap. x, §§ 16, 28; appendices, B, K.

<sup>22</sup> Lord Clarendon to Lord Elgin, April 20th, July 8th, 1857, Corr. rel. Elgin's Mission, pp. 1, 7.

<sup>23</sup> Lord Clarendon to Lord Elgin, Aug. 26th, 1857, *ibid.*, p. 14.



namely by the reduction of the city of Canton, and the humiliation of the Canton braves;<sup>24</sup> that any attempt to settle the question by negotiation elsewhere would excite uneasiness in those parts of China where trade is flourishing, and confirm the Chinese in their belief of the impregnability of Canton, on which rests the whole system of their exclusiveness and arrogance towards strangers."

The Admiral's view of "the inexpediency of now opening negotiations at Peking" was also shared by Sir J. Bowring and "the bulk of the British residents in this quarter."<sup>25</sup> These representations produced their effect, but they left Lord Elgin still sharing the wider opinion held by the cabinet, that no permanent good could be effected by local pressure, and that the Peking government must be dealt with; he saw, however, that "if we quarrelled with the emperor, we must be prepared to strike a blow against Canton—that to apply coercive measures elsewhere and leave Canton untouched would be a course of proceeding wholly unintelligible either to Chinese or Europeans, except on the favourite Chinese hypothesis, that Canton is impregnable and the Canton braves invincible."<sup>26</sup> The decision to which he came was that he must follow his instructions and make at least an attempt to induce the Peking government to settle outstanding questions by what is known to the West as diplomacy, but that, in the case of a diplomatic repulse, he must be prepared to strike promptly at Canton.

§ 5. Lord Elgin was informed by Admiral Seymour that "5000 men, properly supported by the fleet, might undertake the operations against the city of Canton";<sup>27</sup> and how he was to get this force to strike a blow, he could not see. He had already given orders to divert to India every man of the land forces on the way out to China; and by the middle of July he received advices from Lord Canning informing him that the mutiny had developed rapidly, and holding out no prospect of the early return from India of the troops destined for the Chinese expedition.<sup>28</sup> A further element of difficulty was M. de Bourboulon's refusal to take any active steps before the arrival of Baron Gros;<sup>29</sup> this, if he proceeded alone to the Peiho,

<sup>24</sup> "Braves," the local militia, or levies of irregulars.

<sup>25</sup> Lord Elgin to Lord Clarendon, July 9th, 1857, Corr. rel. Elgin's Mission, p. 19. Address from Brit. merchants, July 8th, *ibid.*, p. 18.

<sup>26</sup> Lord Elgin to Lord Clarendon, July 9th, 1857, *ibid.*, p. 19.

<sup>27</sup> *Ibid.*

<sup>28</sup> Lord Elgin to Lord Clarendon, July 29th, 1857, *ibid.*, p. 23.

<sup>29</sup> Cf. *antea*, § 2.

left the British ambassador in the situation of seeming not to be supported by his French colleague. He urged the French envoy in vain; and his request that the French admiral, who was commissioned to act as the arm of Baron Gros, should consent to enter on his functions in anticipation of the ambassador's arrival and induce M. de Bourboulon to co-operate, was met by the reply that "after again reading his instructions, he found that he had no diplomatic powers, and, of course, could not act in the absence of the diplomatic representative of his country, and that, in point of fact, his instructions named Baron Gros throughout as the minister with whom he was to act."<sup>30</sup> Lord Elgin accordingly decided that going alone to the Peiho would materially increase his chance of meeting with a rude repulse, which must be immediately followed by operations against Canton, for which he had not the requisite force; and that, for various other reasons also, he should go to Calcutta.<sup>31</sup> On his return to Hongkong the same reasons which had influenced him in July still had weight, and he decided to send his communications to the court at Peking by the hands of his brother and secretary of the mission, Mr. Frederick Bruce;<sup>32</sup> but it is not recorded that these communications were so sent.

§ 6. Baron Gros arrived at Hongkong on October 16th, and found himself confronted by one outstanding fact which concerned himself—the complete "denial of justice" for the murder of Père Châpdelaine; compensation for losses, commercial privileges, the right of entry to Canton, and other such questions, he proposed not to touch; but for this obstinate denial of justice he declared that he should hold the High Commissioner Yeh, head of the viceroyalty in which the murder had been committed, solely responsible.<sup>33</sup> A month after his arrival he recorded the results of his interviews with Lord Elgin to that date. It was obviously impossible to carry out then the instructions of both plenipotentiaries to proceed to the Peiho, and "the actual position of affairs required imperatively that direct and decisive action should, before anything else, be taken at

<sup>30</sup> Lord Elgin to Lord Clarendon, July 29th, 1857, Corr. rel. Elgin's Mission, p. 23.

<sup>31</sup> Ibid.

<sup>32</sup> Lord Elgin to Lord Clarendon, Sept. 24th, 1857, *ibid.*, p. 41.

<sup>33</sup> Baron Gros to Cte. Walewski, Oct. 26th, 1857, Cordier, *op. cit.*, p. 171.

Canton.<sup>34</sup> The military and naval commanders of the two countries were then to take concerted action, but in such a way as to minimise the suffering of the civil population; and, before action was taken, identical notes should be addressed to the Canton authorities, preferably transmitted in the names of the regular envoys, Sir J. Bowring and M. de Bourboulon, who were still accredited to China. If the reply to these notes should be unsatisfactory, an advance should then be made in force; but the Chinese magistrates should be warned that they were held responsible for the maintenance of order among the civil population.<sup>34</sup> In the memorandum Lord Elgin found "not a single word to omit or to add."<sup>35</sup>

§ 7. The inconclusive, or even unfortunate, result of the reprisals hastily undertaken to obtain reparation for the *Arrow* episode, was clearly manifest to all except those directly responsible for initiating them; but even to the ambassadors it became evident that there was a certain degree of wisdom in a bold policy to check the habitual arrogance of Asiatics, relying on their prestige and not on their actual power to maintain their pretensions. As early as October 12th, before he had met Baron Gros, but after it was obvious that the lateness of the season would no longer permit a demonstration off the Peiho, Lord Elgin records that "we should not shrink from undertaking in China great things with small means, when the necessity of the case requires it." But, even with the history of the previous occupation by a small force<sup>36</sup> before him, he still thought that he needed more troops than he had—"Our interest requires us to hold Canton if we take it; our character requires us to preserve order if we hold it."<sup>37</sup> No troops came from India; but the 1500 supplementary marines promised<sup>38</sup> arrived in due course from London or from Calcutta; and these, with what men could be spared from the exiguous garrison of Hongkong, 2000 sailors landed from the British fleet, and 1000 sailors from the French fleet, gave a total

<sup>34</sup> Memorandum, Nov. 18th, 1857, Cordier, op. cit., p. 174: Corr. rel. Elgin's Mission, p. 77.

<sup>35</sup> Lord Elgin to Baron Gros, Nov. 21st, 1857, Corr. rel. Elgin's Mission, p. 81.

<sup>36</sup> Cf. chap. xiv, § 19 and n. 82.

<sup>37</sup> Lord Elgin to Lord Clarendon, Oct. 14th, 1857, Corr. rel. Elgin's Mission, p. 45.

<sup>38</sup> Cf. ante, § 1

force of 5679 available by the middle of December. Already, on November 20th, Admiral Seymour announced his intention of occupying the western part of Honam Island, across the river from and fronting the city of Canton, not as part of an advance against Canton, but to complete his blockade and enable him to observe the city.<sup>39</sup> Lord Elgin, while anxious about the results of any forward movement before a force was at hand sufficient to hold the city, did not forbid the operation, but contented himself with enjoining on Admiral Seymour the necessity of acting in co-operation with his colleague, the French admiral, and of first summoning the city to surrender by a communication addressed to Commissioner Yeh.<sup>40</sup>

§ 8. On December 10th Sir J. Bowring and M. de Bourboulon notified the High Commissioner of the appointment of special ambassadors, Lord Elgin and Baron Gros, in whose hands the conduct of affairs would rest for the future;<sup>41</sup> and on the 12th the two ambassadors sent simultaneous notes to Yeh. That of Lord Elgin drew attention to the "feelings of mutual esteem which free intercourse has engendered" at all the open ports except one; at that one the three treaty powers had each "successively been compelled to seek, by menace or by the employment of force, satisfaction for wrongs wantonly inflicted," until ultimately the outrage on the *Arrow* had forced the British authorities to have "recourse to measures of coercion against Canton." In the contest which followed, the Chinese had "acted in a manner repugnant to humanity," with methods of assassination, incendiarism, kidnapping, and piracy. Referring then to previous efforts—in 1849–1850 and in 1854—made to secure a peaceful settlement,<sup>42</sup> he declared that "the governments of England and France are united in their determination to seek, by vigorous and decisive action, reparation for past, and security against future, wrongs." If two things were granted—the complete execution of treaty obligations at Canton, including entry to the city, and compensation for losses incurred in consequence of the late disturbances—the advance against Canton would be arrested and the blockade raised;

<sup>39</sup> Adm. Seymour to Lord Elgin, Nov. 20th, 1857, Corr. rel. Elgin's Mission, p. 84.

<sup>40</sup> Lord Elgin to Adm. Seymour, Nov. 20th, 21st, 24th, *ibid.*, pp. 84–87.

<sup>41</sup> Corr. rel. Elgin's Mission, p. 101; Cordier, *op. cit.*, p. 193.

<sup>42</sup> Cf. chap. xiv, §§ 28, 29; chap. xv, §§ 14, 15.

but an acceptance on these terms, "without evasive or dilatory pleas," must be sent within ten days; and the island of Honam would in any case be taken and held as a material guarantee.<sup>43</sup>

§ 9. The note of Baron Gros laid the principal stress on the murder of Père Chapdelaine, and, after enumerating the facts connected with the judicial murder of the missionary, now nearly two years ago, but still unredressed, the demands already formulated by M. de Courcey<sup>44</sup> were again declared to be the irreducible minimum. Baron Gros also demanded a pecuniary indemnity for the family of the murdered missionary, compensation for losses incurred by French subjects and protégés, and the exercise of the right of entry to the city of Canton. He then informed the High Commissioner that England and France would work together to enforce acquiescence in the demands of the two governments, and granted a limit of ten days, within which period those demands must be conceded; and the island of Honam would be held as a material guarantee.<sup>45</sup> At the same time, the two ambassadors issued a joint proclamation, warning the people of Canton that their city would be attacked if satisfaction was not accorded within ten days, and informing them that "only those persons would be molested who might themselves attempt molestation of the investing force."<sup>46</sup>

§ 10. These notes were sent under a flag of truce—not the simple white flag, but one bearing a Chinese inscription indicating "without hostile intentions."<sup>47</sup> Yeh's replies were such as might have been expected from one who had at his disposal a vastly superior force. Writing to Lord Elgin he contested absolutely the right of entry to the city of Canton; Sir J. Davis had insisted on its exercise and had been recalled in disgrace, while Sir G. Bonham, who had waived the right, had been rewarded by a baronetcy; and he advised Lord Elgin to copy the example of the latter. There was no just reason to demand revision of the treaty; this had been settled in 1850

<sup>43</sup> Corr. with the Chinese High Commissioner Yeh, p. 1.

<sup>44</sup> Cf. chap. xx, §§ 4, 5.

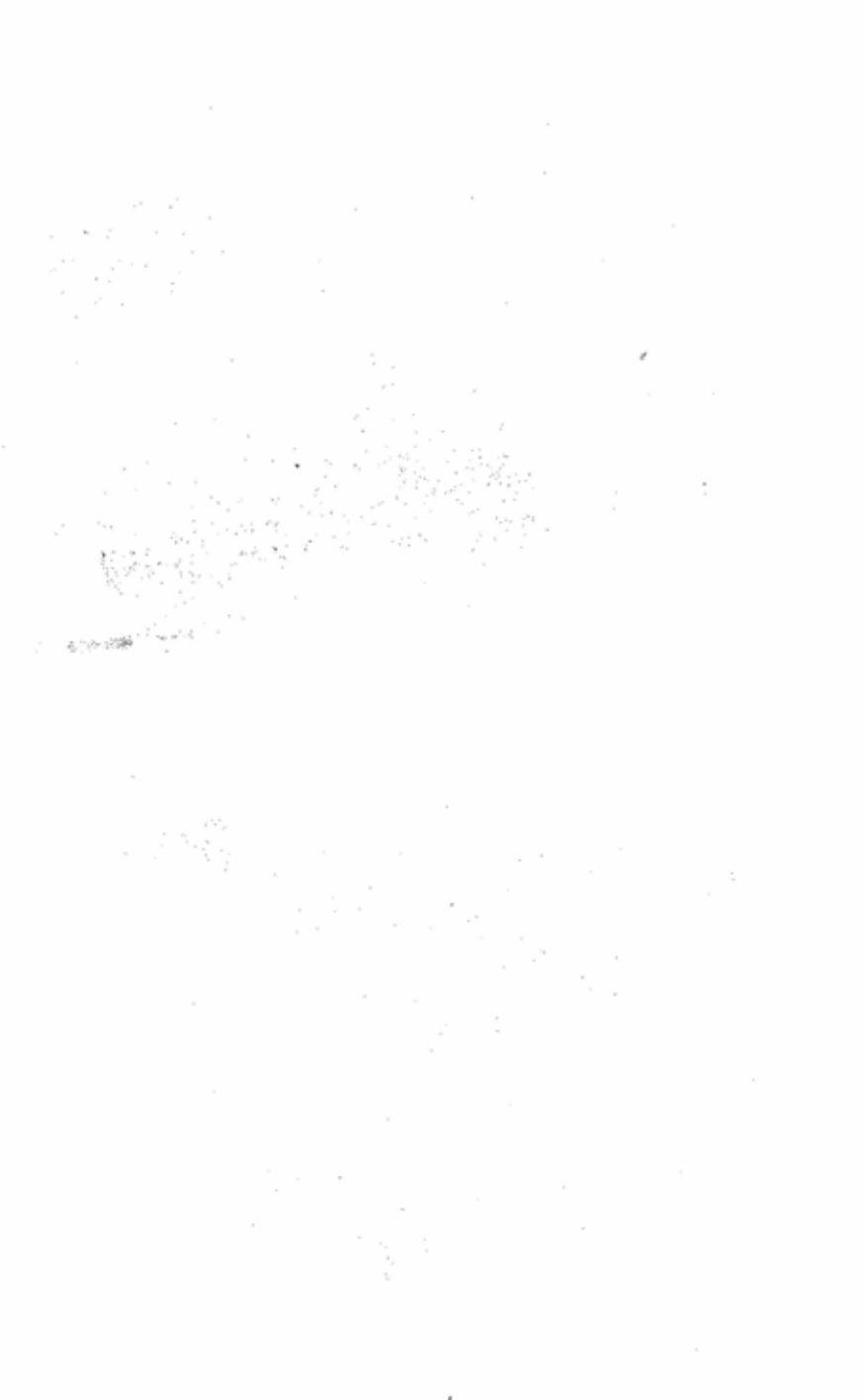
<sup>45</sup> Cordier, *op. cit.*, p. 194.

<sup>46</sup> *Ibid.*, p. 201; Corr. rel. Elgin's Mission, p. 98.

<sup>47</sup> Cordier, "Expédition de Chine, 1857-1858," p. 202; Corr. rel. Elgin's Mission, p. 99; Moges, "Gros' Embassy," p. 102; L. Oliphant, "Elgin's Mission," i, p. 98.



THE PEARL OF THE SEA (DUTCH FOLLY) FORT, CANTON, TAKEN DECEMBER 15TH, 1857.



and again in 1854; the treaties of 1842 and 1843 had been "treaties to endure for a myriad years," and must remain as ratified by the late emperor. On the *Arrow* affair he argued in precisely the terms he had employed a year before; and he declared that he relied confidently on Lord Elgin's sense of justice.<sup>48</sup> In his reply to Baron Gros, the High Commissioner enumerated eight missionaries, identified as French, who, in accordance with the treaty, had, between the years 1846 and 1857, been conducted from the interior—Tibet, Mongolia, Szechwan, Kiangsi or Kwangtung—and delivered to the French consul at Canton; and he declared that similar action would have been taken in the case of Père Chapdelaine, had he been recognised to be French; but he justified the trial and execution on the ground that the missionary was engaged in fomenting rebellion. For compensation for loss he referred Baron Gros to the English, who were directly responsible for the disorders at Canton; and on the subject of treaty revision he used the same language as to Lord Elgin.<sup>49</sup>

§ 11. Honam Point was occupied on December 15th by a force of 400 English marines and 150 French sailors; and, fronting them on the city of Canton, the commanders were able to see that the forts previously dismantled had not been re-armed, and that, on the south front, there were no visible preparations for defending the city.<sup>50</sup> On the 24th, simultaneous notes were sent to the High Commissioner, informing him that, as his replies were evasive and unsatisfactory, the matter had now been placed in the hands of the naval and military authorities of the allied countries;<sup>51</sup> and by those authorities—Admirals Seymour and Rigault de Genouilly, and General van Straubenzee, commanding the Hongkong garrison—a summons was sent to the higher authorities, calling on them to surrender the city and withdraw their forces, and giving notice that the city would be attacked after forty-eight hours.<sup>52</sup> Yeh returned, on the 25th, another answer equally dilatory and evasive,<sup>53</sup> and the dogs of war were let slip. At 6 a.m. on Monday, December

<sup>48</sup> Corr. with High Commr. Yeh, p. 3.

<sup>49</sup> Cordier, op. cit., p. 207.

<sup>50</sup> Adm. Seymour to Lord Elgin, Dec. 15th. 1857, Corr. rel. Elgin's Mission, p. 102; L. Oliphant, op. cit., i, p. 113.

<sup>51</sup> Corr. with High Commr. Yeh, p. 5; Cordier, op. cit., p. 216.

<sup>52</sup> Corr. rel. Elgin's Mission, p. 126.

<sup>53</sup> Ibid, p. 129; Cordier, op. cit., p. 222.



28th, a bombardment was opened from the ships of the two fleets; and at 7 a.m. the attacking forces landed, consisting of, English, 800 infantry, 2100 marines, and 1829 sailors; French, 950 sailors—a total of 5679. The number of ships engaged is not exactly stated; but of the ships available in Canton waters at that date,<sup>54</sup> there were, of the British, 21 sloops, gunboats, and steamers, mounting a total of 190 guns, and of the French, 7 vessels with 46 guns, of sufficiently light draft to go up the river to Canton. During that day the bombardment continued where not masked by the landing force, and the latter contented itself with attacking and occupying a detached fort, near the north-east corner of the city. On the 29th the city wall was attacked on the northern part of the east front, and by 2 p.m. the northern portion of the city was firmly held, while the south front lay under the guns of the ships; the total loss to the allies was 128—viz. 13 English and 2 French killed, and 83 English and 30 French wounded.<sup>55</sup>

§ 12. A few words must be said on the conduct of the coolie transport corps, organised by the English to work in a country without draft animals. This body of Chinese was recruited in Hongkong and disciplined by English officers—their commander, Captain Temple, “the king of the coolies.” Their first campaign in the field was in the assault on Canton; and there, and later at Taku, they did excellent service.

“Oh, those patient, lusty, enduring coolies! They carried the ammunition, on the day of the assault, close up to the rear of our columns; and, when a cannon-shot took off the head of one of them, the others only cried ‘Ai-yah,’ and laughed, and worked away as merrily as ever. Their conduct has throughout been admirable.”<sup>56</sup>

The official report commented on “the cheerful willing way in which these men worked, their obedience to orders, and appreciation of the care and kindness shown them; the same good conduct has distinguished them throughout the operations.”<sup>57</sup> This body had been recruited in Hongkong and were therefore

<sup>54</sup> Wingrove Cooke, *op. cit.*, p. 258.

<sup>55</sup> Mr. Loch to Lord Elgin, *Corr. rel. Elgin's Mission*, p. 144; L. Oliphant, “*Elgin's Mission*,” i, pp. 119 seq.; Wingrove Cooke, “*China*,” pp. 328 seq.; Cordier, “*Expédition de Chine, 1857–1858*,” p. 224; Moges, “*Gros Embassy*,” pp. 109 seq.

<sup>56</sup> Wingrove Cooke, *op. cit.*, p. 324.

<sup>57</sup> Mr. Loch to Lord Elgin, *ubi sup.*

Cantouese, and probably not Hakkas;<sup>58</sup> the people of Canton and vicinity had for nearly a score of years shown the most manifest and implacable hostility to everything English; and yet these same people, probably, however, of the lowest class, were sufficiently attracted by regular pay and considerate treatment, to induce them to throw off all racial ties and to fight, as it would seem to them, side by side with the traditional enemy. This was characteristic of the time: war at Canton and peace at Shanghai; the Cantonese generally bitterly hostile, and certain Cantonese giving aid and comfort to the enemy. Notwithstanding the immobility of the inner life of the Chinese race, a change has indeed come over the face of China in the fifty years which have elapsed since then.

§ 13. The allied troops now held the northern part of the city, the entrance to which was the main bone of contention; but, as a year before, no one offered submission. On December 30th, and again on January 1st, Howqua,<sup>59</sup> and others of the merchants, held an interview with Mr. T. F. Wade, interpreter to Lord Elgin, and proposed certain joint arrangements for policing the city; these involved co-operation between the Chinese militia and the allied naval authorities, and, especially, that the allies would themselves punish any vagabonds and robbers they might arrest.<sup>60</sup> But the troops, who had defended the walls, made no offer of submission; the High Commissioner, head of the government and responsible for the well-being of the city and its people, proposed no terms, either for peace or for the safety of his charge; and the people of Canton, though hitherto determined that no barbarian foot should enter their city, manifested no present intention of exterminating the intrusive foreigner, and otherwise gave no sign that they recognised that anything was expected from them. The spirit of passive resistance shown at the end of 1856 was again shown at the end of 1857; the officials and people of Canton appeared to have forgotten nothing, and to have learned nothing. It was decided that, to bring matters to a settlement, hands must be laid on the responsible head of the government, who was

<sup>58</sup> Cf. chap. xvii, n. 19.

<sup>59</sup> Son of the Howqua of the period 1834-1843, inheritor of the firm name.

<sup>60</sup> Lord Elgin to Lord Clarendon, Jan. 6th, 1858, Corr. rel. Elgin's Mission, p. 138.

held to be the guiding spirit in the continued opposition; and on January 4th a detachment under the command of Captain Keys, and guided by Mr. Parkes, arrested Commissioner Yeh, who was found concealed in the yamen of the Tartar-General.<sup>61</sup> After six years of continued refusal to meet foreign envoys and discuss with them the affairs proper to their respective offices, he was brought to a position in which he could no longer evade interviews; and, after fifteen months of refusal to look facts in the face, he was compelled to yield to the *vis major* of an armed occupation of his viceregal capital.

§ 14. Free, the High Commissioner had been a possible centre for hostile movements and popular risings against the allies; and, a prisoner in their hands, the danger was no less great that he would continue to dominate the actions of the remaining officials and might become the nucleus of intrigues, the effects of which would prevent them from maintaining order in the captured city, and tie their scanty forces to remaining in permanent occupation.<sup>62</sup> His colleagues,<sup>63</sup> and even the merchants,<sup>64</sup> disavowed any responsibility for his arbitrary and self-willed conduct; and documents found among the High Commissioner's papers showed plainly that all his actions in dealing with each of the foreign envoys met with the full approval of the Imperial government at Peking.<sup>65</sup> To leave him at Canton, in office or out of office—power he would always have—was therefore out of the question; and, after conference between Lord Elgin and Baron Gros, who took the opinion of their two admirals,<sup>66</sup> it was decided to send him to Calcutta, this place

<sup>61</sup> Mr. Loch to Lord Elgin, *ubi sup.*; L. Oliphant, "Elgin's Mission," i, p. 141; Wingrove Cooke, "China," p. 340; Lane-Poole, "Life of Sir H. Parker," i, p. 272; Moges, "Gros' Embassy," p. 128.

<sup>62</sup> Mr. Parkes to Lord Elgin; Lord Elgin to Lord Clarendon; Jan. 27th, 1858, *Corr. rel. Elgin's Mission*, p. 160.

<sup>63</sup> "The operations . . . having been really due to the obstinacy and mismanagement of the Imperial Commissioner Yeh, the result of which has been such trouble to the authorities and people that the ways are filled with the sound of their wrath; the consequences of the fault of the individual should fall on the individual."—Pikwei, governor of Kwangtung, to Lord Elgin, Jan. 13th, 1858, *Corr. rel. Elgin's Mission*, p. 151.

<sup>64</sup> "Yeh never communicated the summons of the commanders-in-chief to the other officials to whom it was addressed, and issued proclamations without their concurrence. . . . They (Howqua et al.) represent that the governor and Tartar-General are extremely indignant at the proceeding of Yeh."—Mr. Wade to Lord Elgin, Jan. 2nd, 1858, *ibid.*, p. 138.

<sup>65</sup> Imp. decree in *Corr. rel. Elgin's Mission*, p. 152; L. Oliphant, *op. cit.*, i, p. 141.

<sup>66</sup> *Corr. rel. Elgin's Mission*, p. 212.

being selected because "there are strong motives of policy in stationing him, during the period of his temporary exile, in some place where he may be treated with the consideration due to his rank."<sup>67</sup> For some time he was kept in detention at Whampoa on H.M. steam sloop *Inflexible*, but on February 22nd was sent to Calcutta, where he was provided with a "convenient house" in the suburb of Tolly Gunge;<sup>68</sup> and there, a year later, April 10th, 1859, he died in exile. His body was sent back to Canton by the steamer *Fiery Cross*, and was received by the people with no apparent mark of interest.<sup>69</sup>

§ 15. Commissioner Yeh wrought great mischief to his country. Even before acceding to his high office, while still governor of Kwangtung, he had shown his contempt for foreigners;<sup>70</sup> and from August 1852, when he assumed the double duty of viceroy and High Commissioner, his every act was influenced by the same motive. Not having the freedom of action and the breadth of view of some of the Manchu statesmen of that day, such as Kishen, Ilipu, and Kiyung, and being bound by the traditions and methods of those of Chinese race, he naturally followed, in his dealings with the foreign envoys, the course initiated by Viceroy Lu in dealing with Lord Napier;<sup>71</sup> but, from a Chinese standpoint, the situation had developed more fully and become more acute, and the policy was advanced into an exact science. Every request of the envoys to be received as representatives of their country was peremptorily rejected; every written communication, to which they were then reduced, was answered in an evasive, and yet conclusive, manner; every demand for redress of injuries or reparation for losses was brushed aside, as if he were the final arbiter; and the claim made by each in succession of the three maritime powers, and later by Russia, for a modification in the existing treaty relations, was treated as one not worthy even of discussion or consideration—the present relations were all that could be desired. Even the two episodes which caused the two allied belligerents to take decisive steps might have been

<sup>67</sup> Lord Elgin to Lord Canning, Feb. 22nd, 1858, Corr. rel. Elgin's Mission, p. 214.

<sup>68</sup> Wingrove Cooke, op. cit., p. 431. Spelling as in work cited.

<sup>69</sup> North-China Herald, May 28th, 1859.

<sup>70</sup> Cf. chap. xv, § 11.

<sup>71</sup> Cf. chap. vi, §§ 27, 28.

settled by the exercise of a very slight degree of statesmanship and by a small display of diplomacy; but they were allowed to become festering thorns and to provide England and France with an actual and defensible cause for hostilities. In all this course, however, he was the faithful echo of the predominating party in his government, and acquired the enthusiastic admiration of those under his charge, the people of Canton. Viceroy Lu in 1834 and Commissioner Lin in 1839, where they failed at all, failed in falling short of the intentions of the court; and their course, so long as they succeeded, was fully supported by the stern Taokwang and his ministers. Commissioner Yeh, during the whole of his administration, from 1852 to 1857, was no less fully supported by Taokwang's degenerate successor, the weakling Hienfeng, and by the unworthy favourites in whom he reposed confidence; and the inevitable edict of degradation was issued only after the High Commissioner's signal failure was manifest, and while he was in exile.<sup>72</sup>

§ 16. By Yeh's capture and detention, Pikwei, titular governor of Kwangtung, became automatically viceroy and head of the government at Canton. It was out of the question that the armed forces of the allies should undertake the administration of "a city containing many hundred thousand inhabitants, without any administrative machinery, and with hardly any means of communicating with the people," the two nations having only three competent interpreters available; and it was equally out of the question to "deprive the whole province of Kwangtung of its government and thus expose a population of many millions of souls to the evils of anarchy." It was therefore decided to restore Pikwei to the government of his province and of the city, but, in being restored, he was at the same time tethered by a string, one end of which was in the hands of a commission representing the allies. On January 9th a proclamation to the people was issued by the ambassadors and commanders of the allies, and another by Pikwei, informing them that the city remained under the control of the allied forces, but that the government was entrusted to the hands of Pikwei; letters were exchanged between the allied commanders

<sup>72</sup> Imp. edict Jan. 28th, in *North-China Herald*, Feb. 27th, 1858; received by Yeh after his arrival in Calcutta. An edict of the same date appoints Hwang Tsung-han Canton viceroy and High Commissioner.

and Pikwei, stating and accepting, respectively, the conditions under which this step was taken; letters were also exchanged between the allied commanders and the Tartar-General, to effect the disarming and demobilisation of the Manchu colonist garrison; and Pikwei was thereupon "restored to his functions as governor," the restoration being "accompanied by much ceremonial to mark the event, the position of the allies as masters of the city, and that of Pikwei as exercising his authority by their sufferance."<sup>73</sup>

§ 17. The conditions under which this restoration was allowed were as follows:

1°. A committee was to be appointed by the allies; its members were to reside at the governor's yamen, and assist the governor in maintaining order; to this end they were to be supported by a military force, which would patrol the city.

2°. Beyond the limits held by the allied forces, all cases in which Chinese alone were concerned were to be disposed of by the Chinese authorities; but the committee were to take cognisance of cases in which foreigners were concerned. Offences committed within the limits held by the allies were to be dealt with under martial law.

3°. No proclamation to be issued by the governor, or in his name, until sealed with the seal of the committee.

4°. All arms and military stores to be surrendered.

Under this arrangement a commission of three members was appointed—Colonel Thomas Holloway, Captain F. Martineau des Chenez, and, last but not least, Mr. Harry S. Parkes. They were provided with a patrolling force 100 English and 30 French, and in addition organised a police force of Chinese, 700 for the city and 600 for the suburbs, for the purpose of maintaining order.<sup>74</sup> Stern justice was administered by this commission to English and French marauders, who were given their "two dozen" or their "four dozen" in public; but the control of the Chinese was left to their own authorities under the close observation of their foreign masters, and, as a measure of conciliation, the blockade was raised on February 10th.<sup>75</sup> Pikwei and his subordinates occasionally showed signs of restiveness, but were promptly checked; and in the execution of this duty the military members of the commission were rather

<sup>73</sup> Lord Elgin to Lord Clarendon, Jan. 9th, 1858, Corr. rel. Elgin's Mission, p. 140. Cf. appendix R.

<sup>74</sup> Report of Mr. Parkes to Lord Elgin, Jan. 27th, 1858, Corr. rel. Elgin's Mission, p. 160.

<sup>75</sup> L. Oliphant, *op. cit.*, i, p. 173; Cordier, *op. cit.*, p. 292.

a hindrance than a help. They did not understand the Chinese character or know the language, and the chief responsibility rested on the one who knew both—Mr. Parkes; “he was practically governor of Canton.”<sup>76</sup> In performing this duty he acted in the spirit he had shown at the time of the *Arrow* episode, one of prompt decision and of insistence on entire acquiescence in what he considered just and right; and in so acting he obtained the approval of the foreign residents in China, who fully supported Sir John Bowring in the course he had adopted, and were by no means assured that Lord Elgin’s grasp of the situation was sufficiently firm. Mr. Parkes’ own opinion may be understood from the following extract: “He [Pikwei] is playing off the braves and villagers against us as of old, and the consequence is that no one is safe a mile from the city [i.e. beyond the limits held by the allies]. And how do you think this is met by the *Plenipotentiaries*? By ordering that no one shall go a mile from the city!”<sup>77</sup>

§ 18. Canton being thus disarmed and held, the ambassadors were free to turn their attention to the principal object of their mission, negotiating with the court of Peking, and securing a revision of the treaties. Simultaneous notes,<sup>78</sup> actually signed on February 11th, were accordingly drawn up, addressed to the “Senior Secretary of State” (Premier Ministre) at Peking. That of Lord Elgin, after adverting to the present situation at Canton, declared the intention of the plenipotentiaries to proceed to Shanghai, and their readiness to negotiate there, if Chinese plenipotentiaries should present themselves before the end of March; and it then gave a few of the heads under which it would be necessary to establish better relations: residence of envoys at Peking; circulation of foreigners in the interior; opening of more ports; regulation of inland transit dues; periodic revision of the customs tariff; suppression of piracy; persecution of Christians. Should no plenipotentiary arrive before the end of March, or should his powers be insufficient, or should he refuse to accede to reasonable terms of accommodation, the right to have recourse to further measures was reserved. Baron Gros’ note was in terms such as to give full support to

<sup>76</sup> Lane-Poole, op. cit., i, p. 275.

<sup>77</sup> Mr. Parkes to W. Lockhart (his brother-in-law), March 14th, 1858, *ibid.*, i, p. 284.

<sup>78</sup> Corr. rel. Elgin’s Mission, p. 182; Cordier, op. cit., p. 270.

the demands formulated by Lord Elgin. The drafts of these notes were communicated to the American and Russian ministers on February 4th, and their spirit was fully accepted by both envoys;<sup>79</sup> and they agreed to draw up simultaneous notes.

§ 19. The American note began by referring to the state of hostilities existing on Mr. Reed's arrival, but to which the Americans had remained neutral; notwithstanding this attitude they had been impeded in the exercise of an authorised trade, and had been the victims of odious attempts at poisoning and murder; while the American representative had in vain attempted to hold direct communication with the high official charged with the conduct of foreign affairs. Notwithstanding this he had offered his mediation to stay the horrors of war, only to have his overtures peremptorily rejected. Having been informed of the further objects of the British and French ambassadors, he declared formally, in the name of the United States, that he and his government were in complete agreement with the efforts to be taken by the allies to attain their object; and in this, as in other matters, he was in full accord with his Russian colleague, while they, in their turn, were in full accord with their English and French colleagues. No one of the Western powers claimed any special advantages; and the United States, while accepting in general the conclusions adopted by the other powers, would, at the proper time, present its own claim for reparation for injuries and losses incurred in the exercise of a legitimate trade. He would repair to Shanghai and there await the Chinese negotiators; but, should there be further delay or a refusal to negotiate, he would then, either alone, or in concert with the envoys of the other powers, proceed nearer to Peking, and follow such course as might be prescribed to him by the president.<sup>80</sup>

§ 20. The Russian note, characterised by Lord Elgin as "very good, perhaps better than any of the lot,"<sup>81</sup> began by pointing out that all the troubles of the past might have been avoided if the foreign powers could have communicated direct with the high authorities at Peking. From this had come all

<sup>79</sup> Mr. Reed (Feb. 6th) and Cte. Putiatin (Feb. 8th) to Lord Elgin, *Corr. rel. Elgin's Mission*, pp. 186-187; Mr. Reed (Feb. 5th) and Cte. Putiatin (Feb. 8th) to Baron Gros, Cordier, *op. cit.*, pp. 279, 280.

<sup>80</sup> Cordier, *op. cit.*, p. 286.

<sup>81</sup> Walrond, "Letters and Journals," p. 224.



the conflict and all the evils now suffered by China; and the recent refusal to receive the Russian envoy gave him just cause for uniting with the other powers in their efforts to put an end to this condition. Before quitting the Peiho he had warned the Chinese court that he would not leave the coast of China, but would renew his efforts to reopen negotiations; and he now joined the other foreign envoys in pressing their demand for rights to be enjoyed by all in common. The most important of the demands to be pressed were: easy and unimpeded communication with the court at Peking; further facilities for trade in the ports already opened and in others to be opened by common agreement; entire liberty to profess the Christian religion, for foreigners as well as for those Chinese who have freely expressed their wish to follow it; better regulation of the frontier trade. To reject these and other similar demands would, in the actual situation of China, be an imprudence and a danger, from the displeasure and hostile feelings which such a rejection would excite in the foreign powers; and an evasive reply would be equally contrary to the interests of China, and might entail consequences more disastrous even than those of the present moment. He accordingly entreated the Chinese government to appoint high officials duly accredited and provided with full powers to open at Shanghai the negotiations now proposed.<sup>82</sup>

§ 21. The English and French notes were sent by the hands of Mr. L. Oliphant and M. de Contades, secretaries to the respective missions; and the American and Russian notes—the Russian enclosed with the American—were sent by an American frigate to the American consul at Shanghai, but there were entrusted to Mr. Oliphant for delivery to the Chinese authorities. The two secretaries, accompanied by Mr. Horatio Nelson Lay<sup>83</sup> as interpreter, and by the British, French, and American consuls, proceeded by boat from Shanghai to Soochow, and, without any special intention, took a route other than that usually followed; they thus escaped the attentions of

<sup>82</sup> Cordier, *op. cit.*, p. 282.

<sup>83</sup> Mr. Lay occupied a peculiar position during this year. He was still borne on the list of the British Consular service, and at the same time was the servant of the Chinese government, being the English member of the board of three inspectors of the Chinese customs at Shanghai; yet we find him now employed in the delivery of the notes, and later he was the principal of Lord Elgin's interpreters in negotiating the treaty at Tientsin.

a deputation which awaited them on the usual route, partly to do them honour, partly to free them from the necessity of a personal interview with the higher authorities. In this way they actually slipped into the city of Soochow, and, though urged to return to the west gate, where the governor of Kiangsu waited to receive them, they pushed on to the governor's yamen. Here ultimately they were received, on February 26th, and delivered the notes into the hands of the governor, by whom they were transmitted to the Nanking viceroy, then at Changchow observing the Taiping rebels. The personal visit of the secretaries was duly returned by the governor in person,<sup>84</sup> and they returned to Shanghai.<sup>85</sup>

§ 22. On March 25th joint despatches from viceroy and governor, dated the 21st, were received by the four envoys at Shanghai, communicating the replies received from Peking. Lord Elgin and Baron Gros were informed that Yeh, having mismanaged affairs, was degraded, and Hwang Tsung-han appointed in his place; that Chinese ministers of state were prohibited by law from having any relations with foreigners; and that the ambassadors were to return to Canton and there open negotiations with Hwang. The reply to Mr. Reed was to precisely the same effect, but began by a strong approval of the friendly and neutral attitude taken by the American authorities. Count Putiatin was informed that, as the treaties concluded with Russia had never granted the right to trade at the five ports, that country had no cause to interfere in Canton questions; the Russian envoy was charged with a mission to regulate the frontier along the Amur, and as Chinese commissioners had been appointed, the envoy should proceed to the Amur, and there he would receive the reply of the Peking government to his previous communications.<sup>86</sup> Notwithstanding the blows struck at Canton, notwithstanding the spread of the rebellion, notwithstanding the proved powerlessness of the Chinese government, the court had learned nothing

<sup>84</sup> The cards were, by some blunder, actually taken to Mr. Lay, but there seems to have been no evil intention in this; he was the mouthpiece of the party, though he held aloof from the merely ceremonial call because of his delicate position, and minor officials might naturally resort to him.

<sup>85</sup> North-China Herald, March 6th, 1858; L. Oliphant, *op. cit.*, i, pp. 189 seq.; Moges, *op. cit.*, pp. 166 seq.

<sup>86</sup> North-China Herald, April 17th, 1858; *Corr. rel. Elgin's Mission*, p. 241; Cordier, *op. cit.*, pp. 315 seq.

and abated nothing from the arrogance of its attitude: foreign relations were to be regulated at the point the farthest removed from Peking; the present regulation of those relations was perfectly satisfactory; and between the envoys and the central government was to be interposed a buffer which should take every shock. The Co-hong had been abolished, but its duties were to be assumed by the High Commissioner at Canton. The British government had held consistent views: the Elliots were instructed that pressure would better be applied in the north, and not at Canton, Sir H. Pottinger received instructions emphasising the same point, and Lord Elgin's instructions also directed him to the north; in Lord Elgin's own opinion,<sup>87</sup> opposed to that of the British officials and merchants in China, he had already given too much attention to Canton, and could produce the results he was instructed to obtain, only by pressure exerted in the north. The policy of the French government was to support the English; and the personal opinion of Baron Gros was in full accord with that of Lord Elgin. Mr. Reed had become more and more convinced that the Chinese would yield only to force, and that only if applied in the north. Count Putiatin, while informing Lord Elgin that fresh instructions from St. Petersburg enjoined on him a pacific policy—"to abstain from all coercive measures against the Chinese government"—at the same time stated that the Russian government directed him to "lend my moral support to all demands of common interest which may be made by the plenipotentiaries of other powers to the court of Peking."<sup>88</sup> The four envoys were thus agreed on the next step. Lord Elgin, Mr. Reed, and Count Putiatin severally returned to the viceroy and governor the answers which these latter had made to the notes addressed to the emperor's minister, claiming each the right to address the Imperial ministers direct and to receive a direct reply,<sup>89</sup> Lord Elgin quoting, in support of his claim, the treaty of Nanking, art. xi—"It is agreed that H.B.M.'s chief High Officer in China shall correspond with the Chinese High Officers, both at the capital and in the provinces, under the term com-

<sup>87</sup> Cf. *antea*, § 4.

<sup>88</sup> Cte. Putiatin to Lord Elgin, March 29th, 1858, *Corr. rel. Elgin's Mission*, p. 254.

<sup>89</sup> Lord Elgin's note in reply, in *Corr. rel. Elgin's Mission*, p. 257. The other notes returning the answers, in *Cordier*, *op. cit.*, pp. 325, 327, 329.

munication." Baron Gros contented himself with protesting against the form of the answer, but did not return it. The four envoys, further, jointly resolved to proceed to the Peiho, two avowedly as belligerents, two occupying the delicate position of neutrals coming under the aegis of one side to a quarrel. They accordingly left Shanghai—Count Putiatin on April 9th, Lord Elgin on the 10th, Mr. Reed on the 11th, and Baron Gros on the 15th.

## CHAPTER XXII

### THE TREATY NEGOTIATIONS, 1858

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§ 1. THE quartette of foreign envoys off the Peiho was completed by the arrival of Baron Gros, on April 20th, and the next day he sent to Lord Elgin a note outlining the procedure which he proposed. Referring first to the fact that the two admirals had been unable to concentrate their fleets in time to give to the ambassadors any imposing force in ships, he proposed to send notes similar in tone to those already presented at Soochow, but declaring that international negotiations would

no longer be carried out at Canton, and demanding that Chinese plenipotentiaries be appointed to settle outstanding questions either at Tientsin or at Peking; a limit of six days to be granted for a favourable answer, after which the ambassadors would call upon the admirals to take possession of the Taku forts in order to secure safe access to Tientsin. At the same time he proposed the occupation of Hwaiianfu, "at the junction of the Yellow River and the Grand Canal, and to intercept there all communication with Peking and the northern provinces"; in this proposal he shared the then general ignorance of the innavigability of the Yellow River, which makes so heavy a streak on the map, but he referred to the possibility of the truth of the reported change (in 1853) in the course of that river. As the American and Russian envoys would begin to follow their own separate line of action as soon as any hostile measure was adopted, he urged that their moral support be obtained to the first diplomatic efforts.<sup>1</sup>

§ 2. This proposal was accepted by Lord Elgin, except for the proposed movement against Hwaiianfu,<sup>2</sup> and the plan of sending notes in the sense indicated was adopted by all the envoys. Notes were accordingly sent on shore on April 24th,<sup>3</sup> and on the 26th a reply was received from the Salt Commissioner of Chihli and another official of junior rank. These had been appointed by Imperial edict of April 16th "to examine and treat of the affairs of the different nations represented off the Pejho";<sup>4</sup> but in their reply they informed the envoys that, "not being competent to address the throne themselves, they had transmitted the notes to the viceroy of Chihli."<sup>5</sup> They were informed in reply that the envoys would open negotiations only with plenipotentiaries equal in rank to their own, and armed with full powers to treat.<sup>6</sup> On April 28th notes were received from the viceroy of Chihli, Tan Ting-siang; they were incorrect in the form of the address, and were returned by all except Count Putiatin, who saw the viceroy and persuaded

<sup>1</sup> Cordier, "Expédition de Chine, 1857-1858," p. 333.

<sup>2</sup> Ibid., p. 336.

<sup>3</sup> Ibid., pp. 338 seq.; Corr. rel. Elgin's Mission, p. 266.

<sup>4</sup> Cordier, op. cit., p. 337.

<sup>5</sup> Ibid., p. 341; Corr. rel. Elgin's Mission, p. 267. The official residence of the viceroy of Chihli was then at Paotingfu; it was removed to Tientsin in 1870.

<sup>6</sup> Cordier, op. cit., p. 343; Supply. corr. rel. Elgin's Mission, p. 19.

him to send, on the 30th, notes in a more correct form. Though now correct in form they merely notified his appointment as High Commissioner, entrusted with negotiations; and, as the viceroy returned no direct answer to the question if he was provided with full powers, the envoys refused to meet him.<sup>8</sup> Count Putiatin, however, warned his colleagues of the inadvisability of insisting on such full powers as to obviate all possibility of reference to Peking from a place so near as Tientsin;<sup>9</sup> and, on May 6th, Lord Elgin and Baron Gros granted a further limit of six days within which Viceroy Tan should obtain powers similar in effect to those given on July 27th, 1842, to Kiyong and Ilipu; with these they declared they would be satisfied.<sup>10</sup> The viceroy replied on May 10th that he could obtain no powers more ample than those he had already.<sup>11</sup>

§ 3. These steps were communicated to the Russian and American envoys. Count Putiatin, who had attempted in some way to act as intermediary, now declared that, in his opinion, the ambassadors could not accept less than the powers granted to Kiyong and Ilipu. Mr. Reed had already parted company with his colleagues and taken isolated action. On May 3rd, without having given the other envoys any intimation of his intention, he met the Chinese representatives on shore at Taku, and from his talk with them he was convinced that it would be unwise to insist on the production of full powers at this stage; the High Commissioner Tan declared that it was not his intention to refer every point to Peking for instructions, but only the entire treaty in its final form after negotiation. This seemed to Mr. Reed no more than a reference for ratification, and he informed the High Commissioner of his readiness to open negotiations on this basis, as soon as the Chinese should have produced for his inspection the originals of his note of February, and given a positive assurance that the letter from the president would be received and accepted on a footing of equality. He was promised that these conditions would be fulfilled within five days.<sup>12</sup> In a second interview, held on May 10th, he was

<sup>7</sup> Cordier, *op. cit.*, p. 345; Supply. corr. rel. Elgin's Mission, p. 24.

<sup>8</sup> Cordier, *op. cit.*, p. 346; Corr. rel. Elgin's Mission, p. 299.

<sup>9</sup> Cordier, *op. cit.*, p. 349; Supply. corr. rel. Elgin's Mission, p. 26.

<sup>10</sup> Cordier, *op. cit.*, p. 351; Corr. rel. Elgin's Mission, p. 300.

<sup>11</sup> Corr. rel. Elgin's Mission, p. 304.

<sup>12</sup> Mr. Reed to Lord Elgin and Baron Gros, May 4th, 1858, Supply. corr. rel. Elgin's Mission, p. 27; Cordier, *op. cit.*, p. 353.

destined to find himself disappointed in his expectations. To the demand for the production of powers similar to those granted to Kiyong and Ilipu, the High Commissioner returned a direct refusal; no such powers had been granted, and, if produced, Kiyong must have forged them; on this point he was resolved to accept all the consequences of refusing to accede to the demand of the English and French ambassadors. On the questions of the residence of foreign envoys in Peking, of the opening of the rivers and inland marts, and of compensation for losses incurred, he returned an absolute refusal even to discuss them. On other points the High Commissioner was ready to make concessions: the right of direct correspondence, under seal and on a footing of equality, with the council of state; the opening of additional ports (those mentioned were Kiungchow in Hainan, Tinpak and Swatow in Kwangtung, Chüanchow in Fukien, Taiwan and Tamsui in Formosa, Wenchow in Chekiang); and some modification in the customs tariff. The assurances given for the fitting reception of the president's letter were not satisfactory, and the American envoy broke off negotiations; but subsequently they must have been partially resumed, and the president's letter was delivered, with fitting ceremonial, on May 19th, the day before the Taku forts were captured.<sup>13</sup> On May 11th Mr. Reed wrote to the High Commissioner, referring to the amicable relations so long existing between the two countries; expressing his regret at the refusal to concede, or even discuss, privileges held to be of such importance by the American government; declaring that his ardent desire was to continue amicable relations; and disclaiming all responsibility for the results which might follow on the position taken by the Chinese representatives.<sup>14</sup>

§ 4. It is easy to understand the reasons for this unsuccessful attempt at isolated action by Mr. Reed, a former member of congress, a politician rather than a statesman, and with no

<sup>13</sup> Mr. Reed to Lord Elgin and Baron Gros, May 11th, 1858, Cordier, op. cit., p. 356. Mr. Reed's despatch is clear on the breaking off of negotiations, and his evidence is supported by Dr. S. W. Williams ("Middle Kingdom," ii, p. 650), the senior American interpreter. But Mr. W. A. P. Martin, the junior interpreter ("A Cycle of Cathay," p. 159), gives a categorical account of the interview on May 19th, at which the letter was delivered by Captain Dupont on behalf of Mr. Reed; he further states—possibly a lapse of memory—that negotiations were broken off solely because of the assault on the forts.

<sup>14</sup> Mr. Reed to High Commr. Tan, May 11th, 1858, Cordier, op. cit., p. 358.



previous experience in diplomacy; but it is less easy to excuse it. The course he adopted was that which would have been imposed on him, under his instructions, had the United States been the only power with interests in China, and had he been alone in seeking to obtain by treaty revision an improvement in the international relations; and his course must have been followed by all the foreign envoys, had each of the four been tied down by the restrictions imposed on the American and Russian representatives—to negotiate but not to involve their country in hostilities. But, in acting as he did, he disregarded the teaching of the past and the situation of the moment. Each of his predecessors as American representative, even the former missionary Dr. Parker, had in turn, as the result of his own experience, formed the opinion that negotiation without the support of force could lead to no result;<sup>15</sup> he must have obtained from Sir J. Bowring the expression of his opinion to the same effect;<sup>16</sup> he had himself come to the same conclusion;<sup>17</sup> and he had by his side a man of long experience in China, in the person of Dr. S. Wells Williams,<sup>18</sup> by whose advice he was mainly guided in negotiating his treaty. At this juncture he and his Russian colleague were bound by pacific instructions; but the English and French ambassadors, on the contrary, were instructed to obtain the concession of their demands at all costs, and were provided with force to enable them to bring the necessary pressure; and the American envoy had only to do what he did during the month following—wait on the results of action taken by the allies—to obtain, as he did then, all that they obtained. His position may not have been dignified, but the first duty of the American envoy was to work in any honourable way for American interests; and these he could best serve by the course he adopted at the outset—giving the allies his moral support and co-operation, and leaving to them the conduct of the negotiations and the steps necessary to ensure success. When he intervened directly, he placed the Chinese in the position they desired, in which it lay with them to refuse what they did not wish to concede, while the foreign envoys

<sup>15</sup> Cf. chap. xvi, § 16.

<sup>16</sup> Cf. chap. xv, § 17.

<sup>17</sup> Cf. chap. xx, § 9; appendix S.

<sup>18</sup> Dr. S. Wells Williams came to China in 1833, was first appointed secretary of legation and interpreter in 1855, and was six times *chargé d'affaires* between 1858 and his retirement in 1874.

would have no means of forcing or persuading the Chinese to grant any of their demands.

§ 5. Further correspondence was exchanged between the High Commissioner and the allied ambassadors, all leading to no result; and on May 17th the latter were informed by Count Putiatin that "the Viceroy Tan has just sent a mandarin to tell me that the emperor refuses to admit foreign envoys to Peking . . . the court of Peking seems not to understand the perilous position in which it has now placed itself."<sup>19</sup> On the decision of a conference between the two ambassadors and the two admirals, held on May 18th, notes were sent on the 20th to the High Commissioner. Both notes intimated the intention of the ambassadors to enter the river and move up to Tientsin, where they would be ready to meet Chinese plenipotentiaries duly provided with full powers to treat. Baron Gros cited art. xxx of the treaty of Whampoa, giving freedom to French ships of war to enter any of the ports of China, and declared that the admiral, entering the Peiho with his ships "would not leave unpunished any insult to the French flag," and would hold responsible those "who should commit the slightest outrage against the flag of France."<sup>20</sup> Lord Elgin, having no such provision to cite in his own treaty, informed the High Commissioner that "as a preliminary measure it will be requisite that the forts at the mouth of the Peiho be placed in the hands of the commanders-in-chief of the allied force."<sup>21</sup> A joint ultimatum was sent on shore at 8 a.m. of May 20th, calling for the surrender of the forts within two hours. There was no sign of compliance, and at 10 a.m. the signal to engage was made, and by noon the forts on both sides of the river were in the hands of the allies. The troops protecting the forts made no defence; and the loss to the allies was small, chiefly occasioned by the accidental explosion of a magazine after the capture.<sup>22</sup>

<sup>19</sup> Corr. rel. Elgin's Mission, p. 305; Cordier, op. cit., p. 365.

<sup>20</sup> Cordier, op. cit., p. 367.

<sup>21</sup> Corr. rel. Elgin's Mission, p. 306.

<sup>22</sup> Admiral Seymour to Lord Elgin, May 21st, 1858, Corr. rel. Elgin's Mission, p. 310; Admiral Rigault de Genouilly to Baron Gros, May 21st, Cordier, op. cit., p. 374. The ships now off or in the Peiho were as follows:

BRITISH: 1 ship and 1 frigate, 124 guns; 13 steamers and gunboats, 61 guns (these capable of entering the river); in all 2052 men.

FRENCH: 2 frigates, 100 guns; 9 steamers and gunboats, 64 guns; in all 600 men.

AMERICAN: 2 frigates, 100 guns; 1 steamer (chartered).

RUSSIAN: 1 steamer, 6 guns.

L. Oliphant, "Elgin's Mission," i, p. 287.

A note from the High Commissioner affected to treat the occurrence as a mere fortuitous incident, and informed the ambassadors of his intention to go in person to Peking to report.<sup>23</sup>

§ 6. After the admirals had reconnoitred and cleared the river as far as Tientsin, the four envoys entered it on May 29th, embarking on small steamers, and arrived at Tientsin on the 30th. They were at once greeted by a note informing them that, by an Imperial decree of May 29th, Kweiliang, grand secretary, and Hwashana, president of the Board of Civil Office, had been appointed to "go post-haste to Tientsin, for the investigation and despatch of business."<sup>24</sup> At the junction of the Yüho (Grand Canal) from the south, the Peiho (North River) from Peking in the north, and the Haiho (Sea River) running east to the sea, stood a range of buildings, part temple and part Imperial palace, fronting the city of Tientsin and occupying the present site of the thrice-built and twice-destroyed<sup>25</sup> French and Catholic cathedral. Here the two ambassadors established their residence, the English to the west and the French to the east, protected by their armed guards, with their steamers and gunboats moored in front on the river, now bare of merchant shipping. The American and Russian envoys occupied a spacious mansion across the river; and half a mile down-stream; the owner offered \$6,000 for immunity, but it was refused, and he was compelled to accept a liberal rent, and allow his house to be occupied.<sup>26</sup> The allied ambassadors, while paying for all supplies, did not conceal their expectation of being treated as conquerors; the two neutral envoys, on the contrary, at once issued a proclamation declaring that their visit to Tientsin was altogether of a pacific character."<sup>27</sup>

§ 7. Of the two Chinese plenipotentiaries, Kweiliang was a senior grand secretary, captain-general of the plain white banner of the Manchu banners, and comptroller-general of the Hing Pu (Board of Punishments); Hwashana was an expositor of the classics, president of the Li Pu (Board of Civil Office,

<sup>23</sup> *Corr. rel. Elgin's Mission*, p. 311; *Cordier*, *op. cit.*, p. 379. Viceroy Tan was degraded for the capture of the forts.

<sup>24</sup> *Corr. rel. Elgin's Mission*, p. 313.

<sup>25</sup> In 1870 and in 1900.

<sup>26</sup> L. Oliphant, "*Elgin's Mission*," i, p. 333; *Moges*, "*Gros' Embassy*," p. 221.

<sup>27</sup> L. Oliphant, *op. cit.*, i, p. 332.

controlling the patronage of the empire), captain-general of the bordered blue-banner of the Chinese contingent, and visitor of the Interpreters' School; and their powers, issued by a decree of June 1st,<sup>28</sup> were even more ample in phraseology than those which had been given to Kiyng and Ilipu. The appointment of these high officials was evidence that, at last, the court of Peking realised the seriousness of the situation, and was resolved to free itself, by negotiation, from the pressure of an armed occupation of the portal of the capital. The plenipotentiaries arrived on June 2nd, informed the envoys on the 3rd of their readiness to open negotiations, and had an interview with each in turn—with Lord Elgin on the 4th, with Baron Gros on the 6th, with Count Putiatin later on the same day, and with Mr. Reed on the 7th. All interviews were held on neutral ground, at the Haikwang Sze, a temple outside and south-west from the city, and every effort was made to give as imposing an aspect as possible to the ceremonial visits; Lord Elgin, for example, was attended by a guard of honour of 150 marines in their scarlet coats, preceded by the band of music from H.M.S. *Calcutta*.<sup>29</sup> After the first exchange of visits, the negotiations were left entirely in the hands of the secretaries and interpreters, and the plenipotentiaries did not again meet until the dates appointed for signing the treaties.<sup>30</sup> At this first interview Lord Elgin required that one deficiency should be made good; though provided with full powers, an official seal had not been issued to the Chinese plenipotentiaries, and this oversight, he demanded, should be remedied.<sup>31</sup>

§ 8. At this juncture, Kiyng made his appearance on the scene. In 1842 he had negotiated the treaty of Nanking, and, on Niu Kien's degradation, was appointed to that viceroyalty;<sup>32</sup>

<sup>28</sup> Corr. rel. Elgin's Mission, p. 319; Cordier, op. cit., p. 392. "Kweiliang is a gentlemanly old man of seventy-four, has a kind manner to his guests, but his bearing does not indicate force. He is the third cabinet minister, and has long been in high office. Hwashana is a Mongol, and president of the Board of Civil Office, a younger man, and bears a striking likeness to the common portraits of Oliver Cromwell. I suspect he is the leading mind, though some of the subordinate officers about him are evidently much listened to."—North-China Herald, June 26th, 1858.

<sup>29</sup> L. Oliphant, op. cit., i, p. 337.

<sup>30</sup> Ibid., i, p. 344; W. A. P. Martin, "A Cycle of Cathay," p. 169.

<sup>31</sup> Corr. rel. Elgin's Mission, p. 322; L. Oliphant, op. cit., i, p. 344.

<sup>32</sup> Cf. chap. x, § 37.

in 1843, on the death of Ilipu, he was transferred to Canton as High Commissioner, and negotiated the trade regulations and the British treaty of the Bogue;<sup>33</sup> in 1844 he negotiated the American treaty of Wanghia<sup>34</sup> and the French treaty of Whampoa;<sup>35</sup> he maintained amicable relations at Canton through the next three years; in February 1848 was recalled to Peking;<sup>36</sup> and at the end of 1850 he was degraded and left with merely nominal and inferior rank.<sup>37</sup> He was now restored to titular dignity, having (but only on June 4th<sup>38</sup>) been given the brevet rank of vice-president of a board, and arrived at Tientsin on June 8th. On the 9th he notified his arrival to the two allied ambassadors, who severally replied that they were then too busy to see him, being engaged with the duly accredited Imperial plenipotentiaries; and on the 11th he informed them that he had that day received an Imperial decree appointing him plenipotentiary, with authority to use the High Commissioners' official seal conjointly with Kweiliang and Hwashana.<sup>39</sup> There was, however, no intimation to that effect from the two last. On the 9th, as an act of courtesy to one who had been in such close touch with foreigners in former years, he was visited by Lord Elgin's two interpreters, Mr. Wade and Mr. Lay. His one suggestion for a peaceful solution of the difficulty was the withdrawal of all the foreign ships from the river as a preliminary to the opening of negotiations; and, in urging this, he referred to the old friendly relations between him and the English, and declared that his amicable feelings were unaltered. He urged the intimacy of those relations, recalled, often mistakenly, many old familiar faces, asked after old friends, and tried his best to assume an attitude of personal friendship with the English. All his assertions of his old friendship were, however, terminated on the abrupt production by Mr. Lay of a copy of a memorial

<sup>33</sup> Cf. chap. xii, §§ 1, 2.

<sup>34</sup> Cf. chap. xii, §§ 5-10.

<sup>35</sup> Cf. chap. xii, §§ 11, 12.

<sup>36</sup> Cf. chap. xii, § 17; chap. xiv, §§ 20, 21.

<sup>37</sup> Cf. chap. xii, § 17 and n. 84. "Let it be supposed that her Majesty's principal secretary of state could be reduced to the position of a titular unpaid attaché, or deprived of all privileges but the right to wear the Foreign Office button."—Note by Mr. Wade for Lord Elgin, June 9th, 1858, *Corr. rel. Elgin's Mission*, p. 320.

<sup>38</sup> Mr. Wade's note, *ubi sup.*

<sup>39</sup> *Corr. rel. Elgin's Mission*, p. 320; Cordier, *op. cit.*, p. 385.

of Kiyng to the emperor written about the end of 1850, just before his final degradation, which had been found at Canton at the time of the arrest of Commissioner Yeh. In this memorial<sup>40</sup> he explains to his Imperial master, who at the moment threatened him with deprivation of his posts, titles, wealth, and possibly even life, what were the reasons which led him to enter into seemingly friendly relations with the foreigner, and what were the methods by which he hoped to "keep the barbarians in hand,"<sup>41</sup> the "true meaning of soothing and bridling the barbarian,"<sup>42</sup> to "deceive the barbarians and hold them at a distance."<sup>43</sup> The sudden production of this document in the presence of Kweiliang and Hwashana<sup>44</sup> quite dumbfounded the aged Kiyng,<sup>45</sup> and he withdrew from the conference and from Tientsin.

§ 9. Lord Elgin and Baron Gros were undoubtedly right in their first refusal to admit an interloper, whatever claims from the distant past he may have advanced, into their negotiations with the duly accredited representatives of the Chinese government; but it is not easy to discover by what right they could refuse to recognise him when, on June 11th, he declared that he could produce powers equal in authority to those of the two senior plenipotentiaries. They could have refused to be led astray by red herrings across the trail, and could have peremptorily rejected all extraneous demands and arguments; but surely it lay with China, even though the defeated power, to decide by what agents, if of suitable rank, she could best be represented, and have her case best argued. In fact, however, in all matters of knowledge of China, her officials and her people, the envoys of the three treaty powers were in the hands of their interpreters—Lord Elgin in those of Mr. Wade and Mr. Lay, Baron Gros in those of M. Marquès, and Mr. Reed in those of

<sup>40</sup> For translation of text of memorial see *Corr. rel. Elgin's Mission*, p. 175; L. Oliphant, "Elgin's Mission," i, p. 359; Moges, "Gros' Embassy," p. 145. For acceptance of its anti-foreign spirit see also Cordier, "Expédition de Chine, 1857-1858," p. 387; J. W. Foster, "Am. Dip. Orient," p. 240; S. W. Williams, "Middle Kingdom," ii, p. 653.

<sup>41</sup> L. Oliphant, *op. cit.*, i, p. 366.

<sup>42</sup> Memorandum of T. Wade and H. N. Lay, June 9th, 1858, *Corr. rel. Elgin's Mission*, p. 322.

<sup>43</sup> Cordier, *op. cit.*, p. 387.

<sup>44</sup> L. Oliphant (*op. cit.*, i, p. 367) is positive and categorical in his references to the presence of the other two plenipotentiaries.

<sup>45</sup> Then in his seventy-second year.

Dr. Williams and Mr. Martin. Of the English interpreters, Mr. Wade was fully imbued with the root-and-branch policy of Sir J. Bowring and Mr. Parkes; but it was Mr. Lay who took the initiative on this occasion, and his action, necessary though it may have been, was performed in a manner unnecessarily brusque and even brutal. The foreign envoys did not meet any of the Chinese plenipotentiaries in the interval between the first ceremonial visits and the actual signature of their respective treaties, but left the discussion of details to the members of their staff. The English negotiations were left nominally to Mr. F. Bruce, brother of Lord Elgin and secretary of embassy; but in fact they were in the hands of the interpreters, Mr. Lay and Mr. Wade, and of these it was Mr. Lay who took charge.<sup>46</sup> Now Mr. Lay had a temper; and, being the mouthpiece of a conquering power imposing terms on a defeated nation, he gave free play to his natural disposition and assumed a domineering tone designed to beat down Chinese opposition by force of vehemence rather than of argument. This overbearing tone was carried through the whole of the negotiations. A letter "containing the propositions originally agreed upon, to be the base of negotiations" was obtained from the Chinese plenipotentiaries on June 11th as the direct result of Mr. Lay's vehement denunciation of Kiying, and Messrs. Lay and Wade "stated their intention of waiting in the yamen until it was signed and sealed, which they accordingly did; and it was not until 10 p.m. that they finally took leave with the precious document in their possession."<sup>47</sup> Later, "by the end of the [first] week, after several pretty stormy discussions between the commissioners and Mr. Bruce and Messrs. Wade and Lay, a general agree-

\* "The work of negotiation, so far as the form went, seems to have fallen to Mr. H. N. Lay."—Michie, "Englishman in China," i, p. 331. Mr. Michie was in Shanghai at the time. The official reports naturally give more prominence to Mr. Bruce, who later took the treaty to England, and was appointed the first minister to Peking; but on several occasions Mr. Lay was the only interpreter present at discussions with the Chinese, and at the critical interview of June 26th, on the morning of the day on which the treaty was signed, when Mr. Bruce must have spoken in a very decided manner, he was accompanied by Mr. Lay alone.—*Corr. rel. Elgin's Mission*, pp. 324, 327, 328, 337, 339.

"L. Oliphant, *op. cit.*, i, p. 367. Mr. Oliphant, it must be remembered, was Lord Elgin's private secretary; but in this instance his testimony is valuable, not for the actual fact, but for the spirit in which the negotiations were conducted. The letter was signed, not on the 9th, but on the 11th. *Cf. postea*, n. 74.

ment had been arrived at";<sup>48</sup> and, at the final crisis, "the decided tone held by Mr. Bruce having convinced the commissioners of the hopelessness of further resistance, it was arranged that the treaty should be signed at the hour originally named."<sup>49</sup> It is also recorded that "on three successive days Mr. Lay had long discussions with the Imperial commissioners on the concessions demanded. . . . Finally Mr. Lay, having, as he said, lost all patience, and obeying his instructions, became peremptory and threatened them in Lord Elgin's name with the immediate renewal of hostilities and an advance on Peking."<sup>50</sup> We have further Lord Elgin's own testimony to the methods of negotiation. "We went on fighting and bullying, and getting the poor commissioners to concede one point after another. . . . I sent Frederick [Mr. Bruce] to the Imperial commissioners to tell them that I was indignant beyond all expression . . . that I was ready to sign at once the treaty as it stood, but that, if they delayed or retreated, I should consider negotiations at an end, go to Peking, and demand a great deal more. Frederick executed this most difficult task admirably, and at 6 p.m. I signed the treaty of Tientsin. . . . Though I have been forced to act almost brutally, I am China's friend in all this."<sup>51</sup>

§ 10. The Chinese plenipotentiaries were helpless before the truculence of Mr. Lay, but they made such protest as they could. On June 11th they addressed the two neutral envoys, Count Putiatin and Mr. Reed, informing them that, because of alleged delays, Mr. Lay had insulted them by his speech, and treated them in the rudest manner; and they begged that the English ambassador might be informed of such conduct, so little consonant with his own character and the reputation of his country.<sup>52</sup> Count Putiatin had, by chance, been a witness of the scene between Mr. Lay and the plenipotentiaries, but, having some experience in diplomacy, he merely spoke privately to Baron Gros, begging him to "urge Lord Elgin to advise his representative, Mr. Lay, to refrain from adopting measures of

<sup>48</sup> J. Oliphant, *op. cit.*, i, p. 410.

<sup>49</sup> *Ibid.*, i, p. 417.

<sup>50</sup> Cordier, *op. cit.*, p. 399.

<sup>51</sup> Walrond, "Letters and Journals," p. 253.

<sup>52</sup> Kweiliang, Hwashana, and Kiyung to Cte. Putiatin and Mr. Reed, June 11th, 1858, Cordier, *op. cit.*, p. 400.



violence not in keeping with the high position of the plenipotentiaries," adding, more confidentially still, that "it would be impossible for him to take part in negotiations of so threatening a character, especially when the threats were employed by an officer of low rank against the highest dignitaries of the empire."<sup>53</sup> Mr. Reed, with no diplomatic training, thought fit to communicate officially to Lord Elgin the contents of the plenipotentiaries' despatch, and was duly snubbed in consequence;<sup>54</sup> and the Chinese ministers of state were compelled to submit to the interpreters' bullying.

§ 11. Kiying found, then, no helpful recognition of the amicable relations which he had maintained with the English ten years before. Two days after the interview, at which he had been denounced and renounced, he left suddenly for Peking. We shall never know whether he had been brought forward by the government as an administrator who, having controlled the barbarian in the past, might again succeed in bringing them under his control; or whether he had volunteered his services as a means of using his past record in order to re-establish his position in the Chinese state. The court of Peking seized on the pretext of his unauthorised abandonment of his post at Tientsin—a failure and in disgrace—and, after the form of a trial or investigation by a court composed of a prince of the blood and high ministers of state, he was condemned to summary decapitation.<sup>55</sup> Kiying was, however, an Imperial clansman—in his veins ran the divine ichor of the blood of the Imperial family, tracing their descent from the first acknowledged ruler of the Manchus; and, by an edict of July 1st, his body was spared from mutilation, and his punishment was commuted to having the silken bowstring sent to him:

"WE command Jenshao, senior President, and Mienhiung, senior Vice-president, of the Imperial Clan Court, together with Linkwei, President of the Hing Pu, to go at once to the Empty House [the prison] of the Clan Court; and, having desired Kiying to read this Our holograph decree, to inform him that it is Our will that he put an end to himself, that Our extreme desire to be at once just and merciful be made manifest."<sup>56</sup>

<sup>53</sup> Letter of Baron Gros, Cordier, *op. cit.*, p. 401.

<sup>54</sup> Cordier, *ubi sup.*

<sup>55</sup> North-China Herald, July 24th, 1858; W. A. P. Martin, "A Cycle of Cathay," p. 175.

<sup>56</sup> North-China Herald, Oct. 3rd, 1858.

Such was the end of one who showed his statesmanship by being among the first of the rulers of China to see that the old regime had passed, that the intrusive foreigner must be recognised, and that attempts must be made to maintain amicable relations with him; who was degraded because his views were in advance of his time, and who failed at the last because, disgraced and humiliated by his own people, he could not recover his lost ground with the foreigner.

§ 12. The first of the treaties to be negotiated and signed was the Russian, on June 13th (n.s.), only a week after the first exchange of visits between the negotiators. Count Putiatin's task was comparatively easy. While he had the benefit of the moral effect produced by the military operations of the English and French forces, he enjoyed also whatever influence it was that had enabled his colleague, Count Muraviev, to sign the treaty of Aigun, only fifteen days previously.<sup>57</sup> The latter it was, in reality, who had the more difficult task, since he asked China to surrender the left bank of the Amur, which had been declared the possession of the Manchus by the treaty of Nertchinsk in 1689, and to leave for future settlement the territory beyond the Ussuri, which had always been under Manchu dominion; and, in comparison with the cession of territory, the moderate demands preferred by Count Putiatin were of small consequence. In a short treaty of twelve articles there were few stipulations of any importance: an envoy might be despatched to Peking on any special occasion, and, on his arrival, should be received with due respect; Russian merchants might trade at the five open ports, and, in addition, at Taiwanfu on Formosa and Kiungchow on Hainan; the Christian religion was to be tolerated; a courier service for mails was to be established between Peking and Kiakhta; and Russia was to enjoy the most-favoured-nation treatment. In reality the last provision covered all that was required, and the treaty embodying this and the few additional provisions was soon negotiated and signed, the ratifications to be exchanged at Peking within one year. The original of this treaty was sent by the sea route after all four had been signed, but a copy was sent through Siberia by the hands of Colonel Martinov; leaving Tientsin June 15th, he reached St. Petersburg on August 7th, in the

<sup>57</sup> Cf. chap. xix, § 7.

incredible time of fifty-three days; and it was through this channel that the news of the success of the English and French missions first reached London and Paris;<sup>58</sup> the news was one of the few messages sent by the first transatlantic cable to Washington.

§ 13. The negotiations for the American treaty began only after the signature of the Russian treaty, and continued for four days, from June 14th to June 17th.<sup>59</sup> The treaty, of thirty articles, contained a most-favoured-nation clause.<sup>60</sup> On the point to which the Chinese attached the greatest importance—the right of an envoy resident in Peking—the American negotiator followed a middle course. He claimed the right, which had been conceded in the Russian treaty, to despatch an envoy to Peking for the transaction of any particular business, and, while “he is not to take advantage of this stipulation to request visits to the capital on trivial occasions,” such envoy was to be received on a footing of equality and treated with due respect;<sup>61</sup> but it was further provided<sup>62</sup> that, if the right to a resident envoy were ever granted to any other power, the same privilege should at once inure to the American representative. The treaty also contained a provision for the toleration of Christianity.<sup>63</sup> The phraseology of this article, the entire credit for which must be ascribed to Dr. Williams, supported by Mr. Martin,<sup>64</sup> was criticised by the Chinese deputies; Mr. Reed

<sup>58</sup> Cordier, *op. cit.*, p. 406.

<sup>59</sup> “June 14. Engaged at the Haikwangsze seven hours with the Chinese deputies discussing the articles.

“June 15. Occupied in the same way for five hours.

“June 16. Another heat of seven hours. These protracted sessions, which leave me neither time nor strength for anything else, suggest the query whether treaty-making is not called ‘negotiation’ *quia negat otium*?

“June 17. To-day we completed the preliminary discussion.”—Diary of W. A. P. Martin, in “A Cycle of Cathay,” p. 180.

An interesting account of the negotiations is contained in the diary of S. Wells Williams, read before the North-China Branch of the Royal Asiatic Society, in October 1909.

<sup>60</sup> Am. tr. Tientsin, 1858, art. xxx.

<sup>61</sup> *Ibid.*, art. v.

<sup>62</sup> *Ibid.*, art. vi.

<sup>63</sup> *Ibid.*, art. xxix.

<sup>64</sup> At the close in 1874 of Dr. Williams’ long career in China, the secretary of state, in accepting his resignation, wrote: “Above all, the Christian world will not forget that to you more than to any other man is due the insertion in our treaty with China of the liberal provision for the toleration of the Christian religion.”—J. W. Foster, “Am. Dip. Orient,” p. 243. Both the interpreters to the American embassy went to China originally, the one in 1833, the other in 1850, for mission work.

was, for some reason, firmly bent on signing his treaty on June 18th, the anniversary of the battle of Waterloo, and declared that he would sign with or without this article; and it was only by a slight change in the wording, made at the last moment, that the Chinese were brought to consent to its inclusion.<sup>65</sup> The treaty was accordingly signed on June 18th, the ratifications to be exchanged, no place being named, within one year.

§ 14. The French treaty was the last to be signed, the negotiations for it following on those for the American treaty; there were in all six sittings for discussion of the proposed draft, the first on June 15th, the last on the 23rd. To only three of the proposals was there much objection made. On the all-important question of resident envoys, the French treaty inclined rather to the American stipulation; envoys were privileged to proceed to Peking "when important affairs called them there"; but, if the right of a permanent legation were granted to any other of the treaty powers, France became at once entitled to the same privilege. A proposed article authorising French merchants to proceed to the interior<sup>66</sup> and buy Chinese produce there, was strongly objected to by the Chinese; and, at the third sitting, this demand was abandoned, a subsidiary "most-favoured-nation" clause,<sup>67</sup> relating only to dues and duties, being later substituted for it.<sup>68</sup> Baron Gros could waive this point with the greater assurance, since he must be assumed to have known that Lord Elgin intended to insist on its retention in his own treaty. The Chinese struggled also to avoid the insertion of Peking as the place at which the ratifications were to be exchanged, but on this point the French stood firm. The French treaty was completed on the 23rd, and might have been signed on the 24th; but Baron Gros, "out of deference to his ally,"<sup>69</sup> deferred its signature until June 27th, the day following that of the British.

<sup>65</sup> W. A. P. Martin, *op. cit.*, p. 181.

<sup>66</sup> In writing on China, and in the treaties and negotiations made for the control of foreign trade in China, "interior" indicates all places, even on the sea coast, which are not specifically staples or "treaty ports." Thus to-day Chungking, 1600 miles up the Yangtze, is on the footing of a treaty port, and therefore not "interior"; while Tinghai, on the island of Chusan, off the coast of Chekiang, not being a treaty port, is "interior."

<sup>67</sup> Fr. tr. Tientsin, 1858, art. ix.

<sup>68</sup> Cordier, *op. cit.*, pp. 422-434.

<sup>69</sup> J. W. Foster, "Am. Dip. Orient," p. 241.

§ 15. In diplomacy as in military pressure, at Tientsin in June 1858, as at Canton during the preceding twenty-five years, it fell to the English to stand the brunt of the battle.<sup>70</sup> The negotiations began on June 6th and continued through the successive periods in which the Russian, American, and French envoys were busied with their treaties; and the final interview was held on the morning of June 26th, the day on which the treaty was signed. At all these meetings the discussion was animated;<sup>71</sup> many of the articles proposed in the English draft were vigorously opposed by the Chinese deputies, representing the plenipotentiaries; and all, nearly without exception, were upheld by the English. Thus, on June 6th, the questions of the residence of foreign envoys at Peking and of the right to buy Chinese produce in the interior were strongly resisted, the Chinese deputies declaring that the emperor would prefer war to concession on these points; "Mr. Lay replied that they had better try war then, but they might be sure that the emperor would have finally to yield, and that he had better do so with a good grace now than take the chance of having his capital filled with foreign troops at a future period."<sup>72</sup> A similar discussion was held on the 7th;<sup>73</sup> but on the 11th, as the result of the crushing of Kiyang, but after two days' further unavailing struggling,<sup>74</sup> a letter, drafted under the supervision of the English interpreters, was signed by the Chinese plenipotentiaries accepting in principle the proposed draft as the basis for a treaty. On this basis the negotiations continued, with much criticism and objection by the Chinese deputies, and determined adhesion by the English representatives to their

<sup>70</sup> For Count Putiatin's acknowledgment of this, see *Corr. rel. Elgin's Mission*, p. 332; Cordier, "*Expédition de Chine, 1857-1858*," p. 411. For Mr. Reed's acknowledgment, see L. Oliphant, "*Elgin's Mission*," i, p. 410; W. A. P. Martin, "*A Cycle of Cathay*," p. 183.

<sup>71</sup> Cf. *antea*, § 9.

<sup>72</sup> *Corr. rel. Elgin's Mission*, p. 326.

<sup>73</sup> *Ibid.*, p. 327.

<sup>74</sup> On June 11th "Mr. Lay declined to admit of further delay; that no answer would be carry away but in the affirmative or negative; and, raising his voice, Mr. Lay said that the commissioners had now, after several days, kept him waiting for seven hours; that they had distinctly promised him the letter by 3 o'clock, and now at 8 o'clock they endeavoured to put him off again by a subterfuge; that the commissioners had violated their pledged word; that Mr. Lay should inform Lord Elgin of what had passed; and that it was clear to him that, until the British troops were inside the city of Peking, their treatment of British authorities and British affairs would continue unchanged."—*Corr. rel. Elgin's Mission*, p. 329.

demands as originally formulated. But few concessions were made, and those on unimportant points; and finally, at a meeting on June 24th, the English and Chinese texts of the treaty were compared and the terms of the treaty agreed to. At the last moment, however, after this agreement had been reached, the Chinese plenipotentiaries threatened to break off negotiations because of the two stipulations which were to them the most important, and which were in direct terms included in the British treaty alone; these were the points resisted from the outset, the residence of foreign envoys at Peking and the right to travel to all parts of the interior for purposes of trade.<sup>75</sup> It was the opinion of the other foreign envoys that this resistance was now insurmountable,<sup>76</sup> but Lord Elgin persisted. A final conference was held on the morning of June 26th, at which Mr. Bruce, accompanied by Mr. Lay, maintained the provisions of the treaty in their entirety—"Mr. Bruce warned them that any further attempt to reopen discussion would be considered as a breach of good faith, that negotiations would be at once broken off, and that no treaty would be signed elsewhere than at Peking."<sup>77</sup> The Chinese yielded, and the treaty was signed on the evening of that day, the ratifications to be exchanged at Peking within one year.

§ 16. Following the precedent established at Nanking in 1842 it was decided that the military pressure of the allies

<sup>75</sup> "An incident, however, occurred on the evening of the 25th, which threatened to lead to very serious embarrassments. Among the clauses in the British treaty which were not included in the other treaties, there were two which were most pertinaciously resisted by the Chinese commissioners. The one provided that the British minister in China should be entitled to reside permanently at Peking, or to visit it occasionally at the option of the British government; and the other that British subjects should have the right of travelling to all parts of the empire of China for trading purposes. Having failed in their endeavours to induce Lord Elgin to recede from these demands, the commissioners had recourse to the plenipotentiaries of the other powers: then at Tientsin, and begged their intervention in conveying to Lord Elgin the important piece of intelligence that, on the previous day, an Imperial decree had been received from Peking to the effect that, not merely degradation, but decapitation, would be inflicted upon Kweiliang and Hwashana if they conceded these two points."—L. Oliphant, "Elgin's Mission," i, p. 411. See also W. A. P. Martin, "A Cycle of Cathay," p. 186; Cordier, "Expédition de Chine, 1857-1858," p. 436; Walrond, "Letters and Journals," p. 253.

<sup>76</sup> Baron Gros even, his ally, was of opinion that Lord Elgin had gone too far—"que je blâmais ses exigences et que je ne pourrais pas dépasser certaines limites au delà desquelles il se trouvait déjà . . . le lendemain 26 il a envoyé son frère renouveler ses menaces."—Letter of Baron Gros, July 3rd, 1858, Cordier, *op. cit.*, p. 436.

<sup>77</sup> Corr. rel. Elgin's Mission, p. 359.

should not be relaxed until the treaties had been ratified by the court of Peking. On June 30th the Chinese plenipotentiaries communicated to the two ambassadors an Imperial rescript to their memorial, declaring that it "had been duly received and its contents noted."<sup>78</sup> This was not considered satisfactory, and on July 2nd Lord Elgin declared his intention of moving up to Tientsin further detachments of troops which had arrived off Taku. An attempt was then made to induce the ambassadors to return to Shanghai and await the ratification there. This was refused; and on July 4th an Imperial edict of the 3rd was transmitted, expressly mentioning the four treaties and approving their terms.<sup>79</sup> This was similar in form to the ratification of the treaty of Nanking, and was accepted as satisfactory. The American envoy had not waited to receive this ratification, but had gone to Shanghai;<sup>80</sup> and the other three foreign envoys left Tientsin on July 6th. Negotiations on the tariff and on trade regulations were to be resumed at Shanghai. Lord Elgin left Shanghai on July 31st<sup>81</sup> and Baron Gros on September 6th,<sup>82</sup> for the purpose of negotiating treaties with Japan.

§ 17. The treaties had now been signed; but, as in 1842, while the Imperial government might be pleased, under strong compulsion, to make a peace, the people of Canton, conquered though they were and held down by hostile occupation, were far from being ready to accept it.<sup>83</sup> As early as February 13th, only three days after the blockade of Canton had been raised as an act of grace, Mr. Parkes, on behalf of the committee of control, wrote to Lord Elgin:

"I need scarcely trouble your Excellency with any allusion to the reports which have been so rife during the last fortnight, of the arming of the population in the neighbouring villages and districts. The matter is attracting considerable attention. . . . We still remark the absence of all the authorities from their yamens, and find the higher classes of the gentry equally backward in returning to their homes in the city."<sup>84</sup>

On February 20th a party of thirty-five English officers and soldiers were attacked in a village about six miles from the

<sup>78</sup> Corr. rel. Elgin's Mission, p. 340; Cordier, *op. cit.*, p. 457.

<sup>79</sup> Corr. rel. Elgin's Mission, p. 342; Cordier, *op. cit.*, p. 458.

<sup>80</sup> Corr. rel. Elgin's Mission, p. 360.

<sup>81</sup> L. Oliphant, *op. cit.*, i, p. 450.

<sup>82</sup> Moges, "Gros' Embassy," p. 301.

<sup>83</sup> Cf. chap. xiv, § 1.

<sup>84</sup> Corr. rel. Elgin's Mission, p. 191.

city;<sup>85</sup> and on the 24th Mr. Parkes referred to the doubtful attitude of the Peking government, and to the "unfriendly rumours" circulating about Canton.<sup>86</sup> On April 12th he refers to the levy of a tax for the maintenance of the "braves, who at this moment, and ever since we took the city, have maintained a hostile attitude against us in villages not five miles from the city."<sup>87</sup> At the end of May, concurrently with the capture of the Taku forts, the "apprehensions entertained of some hostile movement on the part of the Chinese forces" at Canton were so great, that Lord Elgin was instructed to replace the committee of control by "a military government acting according to the rules of martial law."<sup>88</sup> No change was made in the form of the military occupation as the treaty had been signed before the instructions were received; the disturbances at Canton continued, however, and the instruction was repeated,<sup>89</sup> but its execution left to Lord Elgin's discretion.<sup>90</sup> Petty and annoying attacks on the allied forces were made through June and July, culminating in a night attack in force on July 21st;<sup>91</sup> but on August 24th it was reported that "affairs seem to be assuming a more tranquil aspect at Canton; the Viceroy Hwang has published a proclamation enjoining peace, which the district authorities have repeated."<sup>92</sup> Finally the year closed with a

<sup>85</sup> Corr. rel. Elgin's Mission, p. 218.

<sup>86</sup> Ibid., p. 217.

<sup>87</sup> Ibid., p. 233.

<sup>88</sup> Lord Malmesbury to Lord Elgin, July 2nd, 1858, *ibid.*, p. 262.

<sup>89</sup> Lord Malmesbury to Lord Elgin, Sept. 9th, 1858, *ibid.*, p. 335.

<sup>90</sup> Lord Malmesbury to Lord Elgin, Sept. 25th, 1858, *ibid.*, p. 361.

<sup>91</sup> Mr. Parkes to W. Lockhart, Aug. 8th, 1858, Lane-Poole, "Life of Sir H. Parkes," i, p. 285.

On July 5th the following proclamation was issued:

"The General Board of the Military in the province of Canton have received notification from his Excellency the Imperial Commissioner to the following effect:

"1. Whoever catches an English or French rebel chief will receive a reward of \$5000.

"2. Whoever cuts off the head of a rebel barbarian will receive a reward of \$50.

"3. Whoever catches a rebel barbarian alive will receive a reward of \$100.

"4. Whoever catches a traitor will, on producing satisfactory evidence, receive a reward of \$20.

"5. Whoever can manage to burn or take a large war-steamer will receive a reward of \$10,000.

"6. Whoever can manage to burn or take a shallow-water steamer will receive \$2000, and be recommended for further reward. 5th Moon, 26th day (July 5th, 1858)."—Hongkong Register, July 20th, 1858.

<sup>92</sup> Admiral Sir M. Seymour to Lord Elgin, Aug. 24th, 1858, Corr. rel. Elgin's Mission, p. 382.



feeling, illusory as it turned out, that "matters are improving in Canton and China. . . . Fears of braves and assassins have passed away, and, though I never omit wise precautions, we feel we can go about and enjoy ourselves without looking out for an enemy at every corner, as was once the case."<sup>93</sup>

§ 18. While a combination of war and diplomacy existed in the north, and opposition, more or less organised, to the military occupation was manifested at Canton, Shanghai was quiet. The trade of that port was hampered and its finances disorganised by the rebellion, which cut off a large portion of its producing and consuming territory; but the trade continued, and, in fact, the taxes derived from it and from that of Canton supplemented the revenue reduced elsewhere by the rebellion, and supplied the government with the resources which would otherwise have been lacking, and enabled it to make head against its enemies, foreign and domestic.<sup>94</sup> Here, on this neutral ground, where the traders of the East and West met to carry on their trade, was set the second act of the treaty negotiations, to settle the tariff and rules under which the trade was to be conducted. As usual when not under the influence of acute pressure, the Chinese loitered; but finally, on October 3rd, the arrival of the

<sup>93</sup> Mr. Parkes to W. Lockhart, Nov. 13th, 1858, Lane-Poole, op. cit., i, p. 288.

<sup>94</sup> There were many instances of aid and comfort given in some of the provinces while hostilities were in progress in others. Perhaps none were more illustrative (but cf. chap. xxi, § 12) than a notification issued by the British consul at Foochow on May 2nd, 1857, after six months of active hostilities at Canton consequent on the *Arrow* episode, and just a month before the actions of Escape Creek and Fatshan (cf. chap. xxi, § 3):

"NOTIFICATION.—The undersigned has received a preliminary intimation from the high Chinese authorities at this place, that they are desirous of raising among the foreign merchants, on account of the Imperial government, a loan to the amount of five hundred thousand taels of silver, which will have interest at the rate of three per cent. per mensem, and, for the repayment of which, the duties, leviable at this port, and at the other ports of foreign trade, are to be made security. The undersigned begs therefore to invite the consideration of the British residents to this subject, and will feel obliged by their acquainting him with their general views of the same, at their earliest convenience.

"(Signed) F. HOWE HALE,

"Consul.

"H.M. Consulate, Foochow, May 2nd, 1857."

—North-China Herald, May 9th, 1857.

This is perhaps the earliest instance of a Chinese government foreign loan, to be secured on the customs.

commissioners delegated from Peking completed the constitution of the Chinese commission. This consisted of Kweiliang and Hwashana, who had negotiated the treaty at Tientsin, Mingshen and Twan Ching-shih, high officials of the Peking government, Ho Kwei-ting, Nanking viceroy, as chief plenipotentiaries, and to them were joined Wang, Fantai (treasurer) of the province, and Sieh Hwan, titular Niehtai (judge) of the province, officiating as Shanghai Taotai and superintendent of the customs; of these, the first five signed the completed tariff and annexed rules, while the actual negotiations were left to the last two. On the foreign side the negotiations were left to the English. Count Putiatin, having little concern with the maritime trade, had returned to Russia; the American treaty<sup>95</sup> continued the tariff annexed to the treaty of Wanghia, "except in so far as it may be modified by treaties with other nations," and Mr. Reed announced in advance his intention of acceding to the new tariff proposed, the draft of which had been submitted to him;<sup>96</sup> and Baron Gros, while leaving the actual negotiations to his ally, agreed with Lord Elgin on the draft before the signatures were affixed.<sup>97</sup> For the negotiations Lord Elgin deputed Mr. L. Oliphant and Mr. T. F. Wade to represent him; and, while "the peculiar nature of Mr. H. N. Lay's relation to the Chinese authorities has alone prevented him from officially attaching that gentleman to the commission above nominated," he expressed a wish that Mr. Lay should be present at the meetings of the commission.<sup>98</sup> In fact it was at the time generally recognised that both tariff and rules were the work of Mr. Lay.

§ 19. The first meeting was held on October 12th, and all was agreed to and signed by Lord Elgin on November 8th, and by Baron Gros on November 24th. In the tariff there was no difficulty; with three exceptions—opium, tea, and silk—the duty, both import and export, was established on a general basis of 5 per cent. *ad valorem*. For opium<sup>99</sup> the Chinese admitted the necessity of legalising the importation, and, "after

<sup>95</sup> Am. tr. Tientsin, 1858, art. xv.

<sup>96</sup> Mr. Reed to Lord Elgin, Sept. 13th and Oct. 20th, 1858, Corr. rel. Elgin's Mission, pp. 393, 400.

<sup>97</sup> Baron Gros to Lord Elgin, Nov. 6th, 1858, *ibid.*, p. 438.

<sup>98</sup> Lord Elgin to Kweiliang, etc., Oct. 11th, 1858, *ibid.*, p. 392.

<sup>99</sup> Opium will be considered in the next chapter.

naming, apparently more in joke than earnest, first 60 taels, and then 40 taels a chest,"<sup>100</sup> proposed Tls. 30 a picul; the English deputies pointed out that Tls. 24 was the duty now levied *sub rosa* by the authorities at Shanghai, but ultimately Tls. 30, being 7 or 8 per cent. of the average value, was accepted as the rate. For tea the Chinese demanded the retention of the rate of the old tariff, Tls. 2.500 a picul; they then had a monopoly of supplying the world, and, though Mr. Reed had intimated a wish to have the duty lowered, the English, who in their own country collected a minimum rate of 1s. 5d. per lb., felt that they could not compel the Chinese to lower an export duty which, though it amounted to between 15 and 20 per cent. of the then value, was still only about 1½d. per lb. The old duty on silk, Tls. 10 a picul, was much under 5 per cent. of the average value; but this was the one article in which France was interested, and a proposal to increase the duty would have met with strong opposition from the French ambassador.

§ 20. The trade rules were simple, and in their discussion few difficulties presented themselves. Commodities not enumerated in the tariff were to be liable to a duty of 5 per cent. on the value; *per contra* articles supposedly for the sole consumption of the foreign residents were to be exempt from all duty. In the course of years the Chinese took kindly to some of these articles consumed by foreigners, such as foreign tobacco and cigars,<sup>101</sup> wines and spirits,<sup>102</sup> perfumery,<sup>103</sup> soap,<sup>104</sup> household stores,<sup>105</sup> flour,<sup>106</sup> butter and cheese,<sup>107</sup> etc.; and, as there was no revision of the tariff for forty-four years, the Chinese exchequer suffered heavily from this concession. Trade was absolutely prohibited in munitions of war—a prohibition the more necessary because of the rebellion—and salt, which is a government monopoly in China; the export of rice and other grain, the food of the people, and copper cash, their currency, was prohibited; the export of beans and beancake was also prohibited, but the prohibition was removed in 1869; special

<sup>100</sup> Minutes of meeting of Oct. 13th, Corr. rel. Elgin's Mission, p. 401.

<sup>101</sup> Value of import in 1908, Tls. 6,929,308.

<sup>102</sup> Value of import in 1908, Tls. 2,688,568.

<sup>103</sup> Value of import in 1908, Tls. 210,624.

<sup>104</sup> Value of import in 1908, Tls. 1,377,971.

<sup>105</sup> Value of import in 1908, Tls. 2,371,861.

<sup>106</sup> Value of import in 1908, Tls. 6,331,204.

<sup>107</sup> Value of import in 1908, Tls. 559,624.

restrictions were placed on the import of what was then the raw material of munitions of war—sulphur, saltpetre, and spelter—and the trade in opium was legalised under certain conditions. Weights and measures were fixed, and the old imposition of the meltage fee on silver was abolished. Peking was explicitly excluded from the operations of foreign traders. The procedure to be followed in commuting the inland dues on foreign imports and on Chinese produce intended for export abroad was prescribed. Finally, a uniform system<sup>108</sup> of customs procedure and collection was to be enforced at all the ports.

§ 21. It was not to negotiate a tariff or for the settlement of such simple questions as these that the court of Peking designated two such high dignitaries as Kweiliang and Hwashana, and two others inferior in rank only to them, and directed them to take the long and dangerous journey to Shanghai. Among all the provisions of the treaty there was one question, the settlement of which was evaded by the French, Russian, and American plenipotentiaries, and had been left in the hands of Lord Elgin, their own rights being safeguarded by a most-favoured-nation stipulation. To this provision—the right of the foreign envoys to reside at Peking—the Chinese had offered strong opposition at Tientsin, and even at the last moment had interposed so sturdy a non possumus that Lord Elgin had been driven to present an ultimatum cast in the most threatening form;<sup>109</sup> and in this one provision they sought to obtain a modification. On October 22nd the Chinese commission wrote<sup>110</sup> pointing out that the treaty, although professedly a treaty of peace and amity, “was in reality extorted under military pressure,<sup>111</sup> no time being allowed to the Chinese negotiators to object to points of no value to England, but of serious disadvantage to China”; that article iii gave England the option either to leave a representative in permanence at Peking or to send one there occasionally; that there would always be the possibility of collisions and mis-

<sup>108</sup> This was based on the system of the inspectors of customs working at Shanghai from 1854, and developed into the inspectorate-general of customs, the history of which will be given in a later volume.

<sup>109</sup> Cf. *antea*, § 15.

<sup>110</sup> Corr. rel. Elgin's Mission, pp. 405, 408.

<sup>111</sup> Lord Elgin himself wrote of the treaty as having been “imposed, a pistol at the throat,” but also claimed that. “I am China's friend in all this.”—Walrond, “Letters,” p. 253.

understandings owing to the ignorance of foreign affairs among the members of the central government and the unruly Manchus of Peking; that, "in the present state of rebellion in China, it was very desirable not to give any ground for misgivings in the minds of the people"; and that they appealed to England's sense of magnanimity and justice to forgo a right which was so disadvantageous to China. They added that this provision was included in the British treaty alone, and that they asked only for a liberal interpretation of the words "either—or" in the article, while, on the violation of any one of all the provisions of the treaty, it would be open to the British envoy to establish himself permanently at the capital.

§ 22. Lord Elgin treated this representation as a deliberate attempt to upset the treaty while the ink of the signatures to it was still undried, and replied that he had no option but to maintain the treaty in its entirety as it had been settled at Tientsin.<sup>112</sup> To this the Chinese commissioners replied disclaiming any intention of upsetting the treaty, which would be loyally carried out, and asked that Lord Elgin should make such representations to the British government as would induce it to allow the alternative of permanent residence to be waived, as being "an injury to China in many more ways than we can find words to express, and as causing the Chinese government to lose prestige in the eyes of the Chinese people."<sup>113</sup> The opinion of the foreign residents in China, and of all those to whom alone Lord Elgin could turn for advice on the Chinese character and on their past history, was adverse to any concession to the Chinese or any admission that the full penalty should not be exacted for the past errors of omission and commission by the Chinese government and people;<sup>114</sup> and their fears were unquestionably justified by the events of the following year. But Lord Elgin had come to China to make a treaty of peace, and his desire, while securing all necessary safeguards, was to leave behind him a condition favourable to the continuance of that peace. After further consideration, accordingly, he wrote maintaining the letter of all his treaty rights in full, but giving

<sup>112</sup> Lord Elgin to Kweiliang, etc., Oct. 25th, 1858, Corr. rel. Elgin's Mission, p. 410.

<sup>113</sup> Chinese comm. to Lord Elgin, Oct. 28th, 1858, *ibid.*, p. 411.

<sup>114</sup> Cf. Michie, "Englishman in China," i, pp. 332 seq.; Lane-Poole, "Life of Sir H. Parkes," i, p. 285.

a promise that he would write to his own government, and would

“humbly submit it as his opinion that, if H.M.’s ambassador be properly received at Peking when the ratifications are exchanged next year, and full effect given in all other particulars to the treaty negotiated at Tientsin, it would certainly be expedient that H.M.’s representative in China should be instructed to choose a place of residence elsewhere than at Peking, and to make his visits to the capital either periodical, or only as frequent as the exigencies of the public service may require.”<sup>115</sup>

It is difficult to conceive a stronger material guarantee for the faithful observance of the treaty than this voluntarily assumed by the Chinese negotiators; and Lord Elgin’s course was “entirely approved” by the British government.<sup>116</sup>

§ 23. As a special consideration for this concession it was agreed that Lord Elgin should receive facilities for a journey up the Yangtze as far as Hankow,<sup>117</sup> to enable him to select the three ports which should be opened to trade when once the river had been cleared of “outlaws.”<sup>118</sup> Before starting he communicated his intention, both privately and officially, to Baron Gros and Mr. Reed, both then at Shanghai, and, “if they had been provided with suitable vessels for such a service, they would, no doubt, have proceeded up the river with me.”<sup>119</sup> He left Shanghai on November 8th, the day on which he signed the tariff and rules, on the steam frigate *Furious*, and was escorted by the steam frigate *Retribution* and the steam gun-boats *Cruizer*, *Lee*, and *Dove*; and arrived at Hankow on December 6th, after successfully navigating six hundred miles of an unknown and uncharted river, on which to-day none of the regular trading steamers go without a skilled and licensed pilot. On his return he arrived at Shanghai on January 1st. On the upward journey he arrived off Nanking on November 20th, and sent the *Lee* ahead flying the white flag; she was fired on from the Taiping batteries, and, after seven shots had been

<sup>115</sup> Lord Elgin to Kweiliang, etc., Oct. 30th, 1858, Corr. rel. Elgin’s Mission, p. 411.

<sup>116</sup> Lord Malmesbury to Lord Elgin, Dec. 31st, 1858, *ibid.*, p. 414.

<sup>117</sup> This is nowhere expressed in the official documents, but Lord Elgin informed Baron Gros that the equivalent concession was a veritable bargain, but that the Chinese commissioners had begged him not to record it in writing.—Journal of Baron Gros, Nov. 5th, 1858, Cordier, “Expédition de Chine, 1860,” p. 21.

<sup>118</sup> Br. tr. Tientsin, 1858, art. x.

<sup>119</sup> Lord Elgin to Lord Malmesbury, Jan. 5th, 1859, Corr. rel. Elgin’s Mission, p. 440.

fired, she and the other ships answered the challenge. The next day the squadron reopened action and silenced the offending batteries; and, on the 22nd, a message was received "expressing contrition for what had happened, and adding the assurance that we should not again be molested." There was in fact no further molestation on the way, except at Anking, where, on November 26th, a few shots were fired and the batteries silenced. He found that "the general attitude of the population does not argue much enthusiasm on either side of the dynastic controversy," but on the whole the people regarded the rebellion "with feelings akin to those with which they would have regarded earthquake or pestilence, or any other providential scourge." On the material condition of the country he reports:

"I never before saw such a scene of desolation as at Chinkiang. A wall of considerable circumference surrounding heaps of ruins, intersected by a few straggling streets, is all that remains of a town which, in 1842, was supposed to contain 300,000 inhabitants. In order to save repetition I may here observe, once and for all, that, with certain degrees of difference, this was the condition of every city I visited on my voyage up and down the Yangtze."<sup>120</sup>

As the result of the journey the cities of Chinkiang, Kiukiang, and Hankow were selected as the ports to be opened to foreign trade on the Yangtze, the first at once, the other two when the rebels should have been cleared from the river.

§ 24. After being present at a military expedition despatched from Canton on February 8th, 1859, Lord Elgin left Hongkong March 4th; on April 6th at Point de Galle met his brother, Mr. Frederick Bruce, the new envoy to China, bearing the ratification of the treaty; and arrived in London May 19th. Baron Gros left Macao on April 8th, after handing the archives of the embassy to M. de Bourboulon, and arrived at Paris June 6th. Mr. Reed, after having settled the claims of American merchants for compensation at an agreed sum of £1,500,000,<sup>121</sup> left Shanghai on December 8th, having resigned his post for reasons of health; he was replaced by Mr. John E. Ward, nominated December 15th, 1858, who arrived in Hongkong on May 14th.

<sup>120</sup> Lord Elgin to Lord Mahuesbury, Jan. 5th, 1859, *ubi sup.*

<sup>121</sup> J. W. Foster, *op. cit.*, p. 243. Of this "lump sum of 500,000 taels, the equivalent of \$735,288," congress in 1885, "responding to the sense of justice and fair dealing of the American people, authorized the president to return the unissued balance in the treasury to China, and the sum of \$453,400 was paid over to the Chinese minister at Washington," presumably including accumulated interest.

## CHAPTER XXIII

### OPIUM, 1842-1858

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§ 1. THE opium trade was not the cause which led the British government to engage in the first war, ending with the treaty of Nanking, nor did it contribute to the second war, ending with the treaty of Tientsin; it had no effect on the political or diplomatic action of the foreign governments which were concerned in Chinese affairs during the period from 1839 to 1858, though, as we have seen,<sup>1</sup> it was to the Chinese government, with the knowledge of foreign nations which it then possessed, the only cause which could have led to the first war, all other causes being, in its eyes, trivial and of no consequence. In international commerce, however, the trade was of great importance, and was the chief means by which, even in the

<sup>1</sup> Cf. chap. ix, § 49.



years before hoarding began,<sup>2</sup> a fair balance of exchange was maintained, by which the means were found to pay for the increasing quantities of tea and silk shipped from China to the markets of the West. Unfortunately, during the period we are now considering, the trade was covered along the coast of China by such a veil of impenetrable secrecy, that but few facts emerge from the obscurity. As we have seen,<sup>3</sup> the first serious attempt at Canton to enforce the prohibitory edict drove the trade from the limits of the port to the outer waters, with a resulting increase in the importation from an average of 4494 chests in the period 1811-1821 to 9708 chests in the period 1821-1828; and with the successively greater efforts to keep the skirts of Canton clear, and the consequent driving of the traffic into methods of greater concealment, the import rose further to 18,712 chests for the period 1829-1835, and at least 30,000 chests in the years 1836-1839.

§ 2. The direct result of driving the control of the opium trade from the port of Canton in 1839 was to turn every port on the coast into a centre for the sale of the drug; to make every official along the coast a ready grantor of permission to sell and land it; and to give those officials the opportunity to levy on it dues, irregular in amount but regular in their collection, which went far to increase the emoluments of their office, and, in the later years, to supplement the incomes sadly reduced by the operations of the rebels. But one result could follow when there was on the one side a bold and resourceful body of traders with capital at their disposal, and on the other a swarm of grasping officials subjected to a system by which they themselves fixed the amount of their own reward for holding public office, and accustomed to the practice of disregarding the laws of the empire in collecting that reward. The traders spread out along the coast and occupied every commercial strategic point; the officials, of whom it would be stated in the West that they "were sworn to enforce and uphold the law," joined hands with the traders; and the only discord that was ever apparent between the two was on the question whether the amount to be paid for each breach of the law of the empire was to be fifteen dollars or twenty a chest. Out of

<sup>2</sup> Cf. chap. xviii, §§ 9-13.

<sup>3</sup> Cf. chap. viii, §§ 8, 10, 11; chap. ix, § 25.

sight of the higher officials there was no attempt at any concealment; and even at the treaty port of Shanghai, in the sight of the world, it is recorded that "both the traffic and use of opium are in no way concealed—whole chests are carried through the streets in broad day";<sup>4</sup> this was in 1849, in which year there were 22,981 chests delivered into the store-ships at Wusung.<sup>5</sup> At Canton itself, as early as 1844, "opium was openly carried about the streets in chests, and sold like an unprohibited article."<sup>6</sup> In October 1856, the month in which occurred the *Arrow* episode, it was recorded at Shanghai that "the long-pending negotiation between the Chinese authorities and opium dealers, respecting the duty on the drug, has resulted in an agreement that it shall be admitted into this port at \$20 a chest—equal at the present price of dollars to 20 taels of sycee."<sup>7</sup>

§ 3. The importers of opium avoided the limits of the five treaty ports, where they would be under the control and supervision of their own consuls, and selected places where only the law and authority of China were in force, either just outside the ports or at other places advantageously placed for their purpose. In 1855 we find recorded in the directories,<sup>8</sup> as openly as any of the firms and residents in the treaty ports, the names of the opium receiving ships stationed outside those ports and of the officers in charge, as well as the names of the firms under whose control they were. Thus for the Canton delta, the anchorages at Whampoa and Lintin being closed to them, the opium ships were at first (in 1843) moored "two or three miles below Whampoa,"<sup>9</sup> but subsequently took a permanent station at Kumsingmoon, on the western side of the estuary, and there the foreign dealers concerned in the illegal and prohibited traffic built houses and made roads as if the establishment was permitted by law;<sup>10</sup> here were four receiving

<sup>4</sup> Chinese Repository, Feb. 1850.

<sup>5</sup> Ibid., Oct. 1850.

<sup>6</sup> J. F. Davis, "China since the Peace," ii, p. 44.

<sup>7</sup> "I myself have seen opium publicly carried by Chinese at both Shanghai and Ningpo."—Sir J. F. Davis to Kiying, May 11th, 1847, Papers rel. opium trade in China, 1842-1856, p. 28.

<sup>8</sup> North-China Herald, Oct. 25th, 1856.

<sup>9</sup> Cf. Anglo-Chinese Calendar for 1855, Shanghai Almanac for 1857, Hongkong Directory for 1859, etc.

<sup>10</sup> Lane-Poole, "Life of Sir H. Parkes," i, p. 63.

<sup>11</sup> Sir J. Davis to Kiying, Feb. 21st, 1846, Corr. rel. insults in China, p. 40.

ships, under the control of two English firms, one Parsee, and one American. At Swatow, in 1858, before the port was opened to foreign trade, there were two receiving ships, both British, and both, of course, under the control of the two great English firms which were so active in developing the opium traffic during the years after 1842. At Amoy there were two ships, also British, moored in the outer harbour; in addition there were ships at commercial centres like Chimmo and C'inchew (Chüanchowfu), two at each place. At Foochow, not in the port, but down by the mouth of the river Min, were also two ships, also British. The Ningpo ships, two in number, both British, were also at the mouth of the river, at Chinhai; but, up to the date of the evacuation of Chusan, they had been at Tinghai. At Shanghai, but moored at Wusung, were a large number of receiving ships, corresponding to the volume of the trade; up to the spring of 1854 they were ten in number, four for opium consigned to English firms, four to Jew or Parsee firms, and two to American firms; in 1854 the two American ships were withdrawn from service, and by 1859 the eight British had been reduced to six.

§ 4. Hongkong became the principal centre of distribution. Captain Elliot had at first declared that he had control over the cargoes of British ships only after they entered the limits of the port of Canton, the sole staple for foreign trade; under the stress of subsequent events, however, and with the desire to conciliate the Chinese as much as possible, he later took the step of forbidding ships with opium as part of their lading from anchoring in the port of Hongkong, then the only anchorage open to British ships; and Lord Aberdeen in 1843 also gave instructions to "prevent the island of Hongkong from being a resort and market for the British smuggler."<sup>11</sup> But with the development of the free-port sentiment in the colony,<sup>12</sup> this prohibition became ineffective, and after the treaty of 1843 came fully into force there was no time when Hongkong was not a free depot for opium as for other commodities. The method of distribution along the coast has been often described—the fast steamers carrying prior information from Calcutta to Singapore and Hongkong, and from Hongkong to Shanghai,

<sup>11</sup> Cf. chap ix, § 25; appendix P.

<sup>12</sup> Cf. chap. xi, § 17; chap. xii, § 16.

and their readiness to carry the mails for a community with restricted postal facilities, but also their practice of holding back, for twenty-four or forty-eight hours or longer, all mails except their own "owner's despatches"; the swift and well-armed clipper schooners carrying the opium from point to point along the coast; and the store-ships already referred to, also well-armed to protect the persons and property on board. Hostile writers have referred pointedly to the fact that these craft—steamer, schooner, and store-ship—were all well armed, and the inference has been implied, even where not expressed, that they were so armed to force the noxious drug on the unwilling people of China, and the obnoxious traffic on the officials of the empire.<sup>13</sup> The truth was, however, that it was unnecessary to employ any force to induce the people to buy the drug, and that each official vied with his fellows in doing all he could to attract the traffic into channels under his own control; and that the vessels engaged in the trade were of necessity heavily armed to protect their valuable cargo and the silver for which it was exchanged, from the always threatened attacks of the pirates infesting the coast.<sup>14</sup>

§ 5. From this welter of confusion, law-breaking, violence,

<sup>13</sup> Williams, "Middle Kingdom," ii, p. 634; Sirr, "China and the Chinese," p. 176; G. Smith, "Narrative of Exploratory Visit," pp. 318, 383; R. M. Martin, "China: Political," etc., ii, p. 259; Memorial (1855) of Lord Shaftesbury, chairman of committee for relieving British intercourse with China from the baneful effects of a contraband trade in opium, etc.

<sup>14</sup> Cf. chap. xv, §§ 4, 5.

A pronounced opponent of the opium traffic, the Rev. W. H. Medhurst, D.D., writing in the *North-China Herald*, Nov. 3rd, 1855 (reproduced in *Papers rel. opium trade, 1842-1856*, pp. 51 seq.), made a statement which may be said to settle the question, as follows: "In the first place, all exaggerated and one-sided statements should be avoided. The American missionary, whose late speech we have already alluded to, is reported to have said, 'This traffic is staining the British name in China with the deepest disgrace, as some of the subjects of Great Britain continue to carry on an armed contraband trade in a destructive poison, enriching themselves by merchandising that which impoverishes and murders the poor infatuated and besotted Chinese.' Now that missionary knew, or ought to have known, that American citizens are fully as much implicated in this affair, in China, as the subjects of Great Britain. There are individual exceptions among the merchants of both nations, but on the whole, both English and American houses in China trade in the drug each to the full extent of their means. The speaker ought also to have known that the arming of the vessels engaged in the opium traffic is simply for their own protection, and all little enough to defend themselves against the rapacious west-country pirates, who have of late years infested this coast. As it is told in England, it leads to the conclusion that the opium vessels are armed for the purpose of resisting the revenue officers of China, than which no idea could be more erroneous."

subtle device, and secrecy, but few facts emerge from which to show the development of the trade with any degree of exactness, but there is enough to tell us that the importation increased by bounds. At Shanghai, for example, the demand for that consuming area in 1847 was 16,500 chests and 16,960 chests in 1848; in 1849 these figures were increased to 22,981 chests,<sup>15</sup> in 1853 to 24,200 chests, and in 1857 to 31,907 chests,<sup>16</sup> the last figure being more than the import into all China twenty years before. To ascertain the total demand for the whole coast, from Canton to Shanghai (foreign ships seem never to have distributed opium north of Shanghai), we are driven to take the shipments to all destinations from Calcutta and Bombay, ignoring those from Damán, Goa, and other ports, and omitting any quantities there may have been of Turkey opium, and, after guessing a probable consumption<sup>17</sup> in the Malay Archipelago and the countries lying along the route between India and China, to accept the result as the amount of the consumption in China. On this basis it may be estimated<sup>18</sup> that the consumption of the four years of disorder, 1836-1839,<sup>19</sup> was maintained, but not much exceeded, up to the end of 1847; that then the result of opening the Yangtze basin to the traffic was shown in an increase, gradually rising from 38,000 chests in 1848 to 48,600 chests in 1852; and that the effects of the spread of the Taiping rebellion were manifested in the sudden increase to 54,574 chests in 1853, to 61,523 chests in 1854, and to 65,354 chests in 1855.

§ 6. The attitude of the British government to this expanding trade was logical and consistent, and did not vary from the time of the two Elliots<sup>20</sup> and Sir H. Pottinger<sup>21</sup> down to

<sup>15</sup> Chin. Rep., Oct. 1850.

<sup>16</sup> North-China Herald, Jan. 7th, 1860.

<sup>17</sup> In the table I have taken the extra-China demand at the figures suggested, after inquiry, by the Rev. Dr. Medhurst, who, *ubi sup.*, stated with reference to his estimate: "It is always best to take a fair view of every case; there is nothing got by exaggeration."

<sup>18</sup> See table G.

<sup>19</sup> Cf. chap. viii, table E.

<sup>20</sup> "Her Majesty's government having taken into their consideration the circumstances connected with the China opium trade, I have to instruct you to endeavour to make some arrangement with the Chinese government for the admission of opium into China as an article of lawful commerce."

"In bringing this matter before the Chinese plenipotentiaries, you will state that the admission of opium into China as an article of legal trade is not one of the demands which you have been instructed to make upon the Chinese government; and you will not enter upon the subject of it in such a

the time of Lord Elgin;<sup>22</sup> and it was based on the following facts. The opium was produced by the East India Company, and by independent princes (Malwa) and nations (Turkey, Persia); production and sale by the company might perhaps be prohibited, but the general opinion of the world was not yet so far advanced as to compel so decisive a step, and the existing sources of independent supply would even then be left untouched. Though transport to China was mainly in British ships, prohibition of transport would not be effective, since actually there were ships under other flags engaged in the trade,<sup>23</sup> and a demand for tonnage caused by a prohibition to way as to lead the Chinese plenipotentiaries to think that it is the intention of her Majesty's government to use any compulsion in regard to this matter. But you will point out that it is scarcely possible that a permanent good understanding can be maintained between the two governments if the opium trade is allowed to remain upon its present footing. It is evident that no exertions of the Chinese authorities can put down the trade on the Chinese coast, because the temptation both to the buyers and to the sellers is stronger than can be counteracted by any fear of detection and punishment. It is equally clear that it is wholly out of the power of the British government to prevent opium from being carried to China; because, even if none were grown in any part of the British territories, plenty of it would be produced in other countries, and would thence be sent to China by adventurous men, either British, or of other nations."—Lord Palmerston to Adm. G. Elliot and Capt. C. Elliot, Feb. 26th, 1841, Papers rel. opium, 1842-1856, p. 1.

<sup>22</sup> Cf. appendix K.

<sup>23</sup> "It will be for your Excellency, when discussing commercial arrangements with any Chinese plenipotentiaries, to ascertain whether the government of China would revoke its prohibition of the opium trade, which the high officers of the Chinese government never practically enforce. Whether the legalisation of the trade would tend to augment that trade may be doubtful, as it seems now to be carried on to the full extent of the demand in China, with the sanction and connivance of the local authorities. But there would be obvious advantages in placing the trade upon a legal footing by the imposition of a duty, instead of its being carried on in the present irregular manner."—Lord Clarendon to Lord Elgin, No. 2; April 20th, 1857, Corr. rel. Elgin's Mission, p. 5.

<sup>24</sup> R. M. Martin (op. cit., ii, p. 239), writing in 1847, enumerates some fourteen British ships engaged in transporting opium from India to China, "probably the finest boats in the world," and adds: "An American firm has four store-ships on the coast and three between India and China, under the American flag."

Sir H. Pottinger also records that "it is a matter of public notoriety that the chief mercantile houses engaged in the opium trade in China have already provided themselves with vessels built in America and sailing under American colours, with American masters and crews, and it is also well known that any vessel may obtain a Portuguese register and the right to carry the Portuguese flag."—Sir H. Pottinger to Adm. Parker, April 10th, 1843, Papers rel. opium, 1842-1856, p. 4.

Mr. Reed ascertained that in the year 1857, of 32,000 chests of opium arriving at Shanghai, 6300 came in under the American flag and 25,700 under the British and others.—Mr. Reed to Lord Elgin, Sept. 13th, 1858, Corr. rel. Elgin's Mission, p. 393.

the English would at once be supplied by others under foreign flags and sailing from foreign ports. Along the coast of China, as along the coast of France or any other country, it was the business of the government of the country to enforce its own revenue and sumptuary laws; and, while the British government would not give its protection to persons or ships engaged in an illegal traffic, it would not, on the other hand, undertake to enforce the prohibitory laws of China. The evils of an organised contraband trade were manifest, and were demoralising to the traders engaged in it, to the officials who connived at the continual infraction of the law, and to the people for whose indulgence the trade was carried on; and, as it was obviously impossible for the Chinese court to compel its own officials to enforce the prohibition, the only wise course was to withdraw the prohibition, impose regulation on the traffic, and levy on the opium so legalised a tax for the benefit of the public exchequer, which now derived no revenue from the trade; but this legalisation and regulation were the affair of the Chinese, and the representative of the British government was never to take any action or employ any words to force the Chinese government to adopt the new policy.

§ 7. On August 27th, 1842, after the terms of the treaty of Nanking had been finally settled, but two days before the signature, Sir H. Pottinger addressed to the Chinese plenipotentiaries a memorandum in which, after referring to the toleration, control, and taxation of the trade in alcohol in Western countries, he suggested the advisability in the interest of China of treating the opium question on the same lines, while at the same time disclaiming any desire to impose his views on the Chinese negotiators. To this the latter replied, stating simply that it was not at the time expedient to make any representations on the subject to the throne.<sup>24</sup> The British plenipotentiary hardly expected any other answer; and four months later he was still able to declare that "I indulge a hope, a very faint one I admit, that it will be in my power to get the traffic in opium, by barter, legalised by the emperor."<sup>25</sup> Further representations to the same effect were addressed to the Chinese

<sup>24</sup> Papers rel. opium, 1842-1856, pp. 1, 3.

<sup>25</sup> Sir H. Pottinger to the British merchants, Dec. 28th, 1842, Chin. Rep. Jan. 1843.

High Commissioner during the negotiations regarding the trade regulations and the treaty of the Boguc; <sup>26</sup> but, after coquetting with a suggestion of a guaranteed minimum of revenue from opium, <sup>27</sup> Kiyng decided that he had no authority to change the law of the empire without prior reference to the emperor, without which "we dare not take it upon ourselves to move a step in the matter, and at this present time we dare not even make it a subject of further deliberation." <sup>28</sup> The Manchu statesman realised that friction might be diminished or altogether removed by the essentially Chinese method of leaving the law on the statute book but not enforcing it, and that, even if the Imperial treasury did not profit, his class, the Manchu nobility and Chinese officialdom, would suffer no pecuniary loss; but he realised also that it would be hopeless to ask his sovereign to eat his own words, to abrogate an Imperial edict, and to sanction a trade the absolute cessation of which he had solemnly decreed.

§ 8. Meantime the traders, by no means reconciled to the possibility of a continuance of the prohibition, had become impatient; and Sir H. Pottinger found it necessary to intimate to them that opium was not, as they contended, entitled to admittance under the tariff as being an "article not enumerated in that tariff passing at an ad valorem duty of five per cent.," and that any person acting on that assumption "will do so at his own risk, and will, if a British subject, meet with no support or protection from H.M. consuls or other officers." <sup>29</sup> After this definite statement, and after the declaration that opium was contraband made in the American treaty of Wanghia, 1844, and in the tariff annexed thereto, the traders could no longer entertain a doubt on the status of opium in the ports of China.

§ 9. Sir J. F. Davis, succeeding to Sir H. Pottinger in 1844, departed from the attitude of merely suggesting the legalisation of the traffic, and, in several communications during the next four years, urged upon the High Commissioner the positive advantages of the step—the increase of revenue and amendment

<sup>26</sup> Sir H. Pottinger to Kiyng, June 29th, 30th, July 8th, Oct. 30th, 1843, *Papers rel. opium*, pp. 5, 6, 8, 18.

<sup>27</sup> *Ibid.*, p. 6.

<sup>28</sup> Kiyng to Sir H. Pottinger, Aug. 24th, 1843, *ibid.*, p. 11.

<sup>29</sup> Proclamation by Sir H. Pottinger, Aug. 1, 1843, *Chin. Rep.*, Aug. 1843.



of the evils of smuggling being the most prominent among his arguments.<sup>30</sup> Kiying expressed grave doubts if legalisation would have any effect in checking the smuggling, and continued to evade acquiescing in the proposal. Sir G. Bonham took no positive action in the matter, but he had to report an apparent intention of the Chinese government to revive, against the Chinese people, the repressive measures of Commissioner Lin.<sup>31</sup> Finally, in 1853, Sir J. Bowring reported an apparent intention of the government to adopt the policy of legalisation, because of the urgent need of the treasury to obtain a proper revenue.<sup>32</sup>

§ 10. In its opium policy the Chinese government was bewildered by the result of the war and the fact that the victorious English took no advantages of their victory to enforce the legalisation of the trade—for it must be remembered that the arrogant Chinese official was not conscious that any other cause existed for the war; to him the questions of national equality and unfettered exchange of commodities were of no importance. When in 1845 the customs authorities at Ningpo seized a small quantity (57 balls, 171 cattie) of opium from a British schooner, they reported the seizure to the consul and asked his instructions as to the proper mode of dealing with the case; and they were much pleased when the schooner's sailing-letter was withdrawn by the consul, as a punishment for the offence.<sup>33</sup> When, on the other hand, the consul at Shanghai, according to treaty, denounced the opium ships to the officials, the local government manifested no desire to receive the intimation.<sup>34</sup> But, notwithstanding any state of bewilderment in the minds of the provincial officials along the coast, they showed no disposition to forgo the exercise of their power to connive at the traffic and to take their individual profit from it; and, notwithstanding the temporary dejection of the court, there was no speedy intention to abandon the policy of prohibition and coercion. The intention foreshadowed by Sir G. Bonham was carried out, and in August 1850 the young Emperor Hienfeng showed his intention of continuing his father's policy by the

<sup>30</sup> Sir J. F. Davis to Kiying, June 22nd, July 13th, 1844; April 26th, 1845, Feb. 25th, March 7th, 9th, 1846; April 29th, May 11th, 1847, Papers rel. opium, pp. 16, 19, 21, 24-28.

<sup>31</sup> Mr. Bonham to Lord Palmerston, May 21st, 1849, *ibid.*, p. 30.

<sup>32</sup> Dr. Bowring to Lord Malmesbury, Feb. 5th, 1853, *ibid.*, p. 32.

<sup>33</sup> Consul Thom to Mr. Davis, April 5th, 1845, *ibid.*, p. 22.

<sup>34</sup> J. F. Davis, "China since the Peace," *ii*, p. 203.

issue of a Draconian edict prohibiting absolutely the use of opium within his dominions. All smokers were to be allowed five months to the end of the Chinese year from the 1st day of the 8th month (September 6th), in which to abandon the practice, after which all persons found using the drug were to be instantly decapitated,<sup>35</sup> their families sold into slavery, and their descendants for three generations excluded from the examinations. Every ten families were to constitute a self-guaranteeing unit responsible for each member; and any one having personal knowledge of a breach of this law, and concealing the fact, was to suffer the same penalties as the actual smoker. A prescription was given, drawn up by the Imperial physicians, for a remedy by the administration of which those addicted to the vice might be freed from its influence before it was too late.<sup>36</sup>

§ 11. China being what it was, and the emperor having provided no second Commissioner Lin, it is needless to say that this drastic procedure was never carried into effect; and by 1853 the spread of the rebellion and the advent of the Taiping forces into the basin of the Yangtze produced the double effect of largely increasing the expenses of the government and of diminishing its resources, and in that year the question of legalisation, toleration, and taxation again came up for discussion. The debate was initiated by a decree in the following terms:

"The censor Chang Wei has memorialised Us stating the inefficacy of the laws against opium by reason of their excessive severity, and proposing to abate the penalties. Let the Grand Secretaries and the Council of State, with the nine Great Nobles, meet and maturely deliberate on this matter, and report their decision to Us."<sup>37</sup>

In another memorial by the censor Wu Ting-pu, also advocating the legalisation of the trade, it was proposed to levy a duty of Tls. 40 a chest on opium imported.<sup>38</sup> This was the first expression in fifteen years by the court of Peking of an opinion that the matter was even open for discussion, and

<sup>35</sup> This was a more extreme penalty than the strangulation prescribed by the regulations of 1838.

<sup>36</sup> Proclamation of Nanking viceroy, Aug. 17th, in *North-China Herald*, Sept. 7th, 1850.

<sup>37</sup> *North-China Herald*, Feb. 5th, 1853.

<sup>38</sup> Memorial of Jan. 4th, 1853, in *Papers rel. opium*, p. 34.

to this change of attitude the emperor was driven by the recognition of the fact that the revenue so badly needed for the service of the state was diverted into private pockets, and only reached Peking in the shape of the customary official gratuities and assessments; but the East moves slowly, and, for the present, the question went no farther than the stage of discussion and consideration.

§ 12. The Chinese empire was thus, under the compulsion of practical difficulties, moving in the direction of the legalisation of the opium traffic and the admission of the foreign drug to the same degree of toleration as it was a matter of common repute was accorded to opium of native production. Concurrently there was in England a revival of the movement against the policy of "forcing opium on China." Even in the time of the East India Company's monopoly, prior to 1833, some voices had been raised in favour of actively assisting the Chinese government in enforcing its prohibition of the foreign import; and, quite apart from the parliamentary opposition to the governments of the day, a formidable volume of public opinion had gathered force and enlisted the support of the leaders of religious and philanthropic work on the side of the movement. This feeling was encouraged and its utterance strengthened by the almost unanimous expression of opinion by the protestant missionaries, both English and American, working in the China field, that opium-smoking was a great moral evil which seriously impeded their efforts to bring the Chinese to recognise the truths of Christianity, and that it was incumbent on all Christian nations to dissociate themselves from a trade which brought disrepute upon the foreign, i.e. the Christian, name.<sup>39</sup> The movement culminated in a memorial<sup>40</sup> presented, in August 1855, by Lord Shaftesbury as chairman of a "committee formed to sever all connexion of the English people and its government with the opium trade." The memorial had a great name attached to it and strong backing behind it; but those who drew it up overshot the mark, and made the mistake of placing the main reliance, not on the high moral ground of attacking vice and sin, but on statements

<sup>39</sup> Some of the more considered reports of the English missionaries are given in *Papers rel. opium*, pp. 42-82.

<sup>40</sup> *Papers rel. opium*, p. 77.

which were exaggerated and not warranted by the facts in the case. These errors in fact were taken up one by one by Sir J. Bowring, then governor and plenipotentiary, and in a report<sup>41</sup> to the Foreign Secretary he combated so successfully the statements made in the memorial that the government adhered to its policy of suggestion and non-intervention; and the instructions on the subject of the opium trade given to Lord Elgin differed in no material respect from those which had been given to Sir H. Pottinger. It is significant of the divergence in the direction of the current of opinion in the two countries that, in the month in which Lord Shaftesbury's memorial was presented, August 1855, the Taotai at Shanghai, head of the Imperial customs, was on the one hand threatening to confiscate opium landed without his permit, and on the other demanding a duty of \$25 a chest for opium landed with his permit;<sup>42</sup> both confiscation and duty were resisted by the opium dealers, Chinese, but, after a year's disputation, in October 1856 the matter was compromised on the basis of a duty of \$20 a chest.<sup>43</sup> Small boats, with official flags flying, were stationed near the opium ships at Wusung in order to secure the payment of this duty, finally settled at Tls. 12, but the store-ships themselves were interfered with no more than before.<sup>44</sup> In April 1857 the official collection of this duty was extended to Ningpo.<sup>45</sup>

§ 13. Public opinion in America was pronounced against the opium trade. Of the protestant missionaries in China during the years 1834 to 1860 it may be said generally that the Americans outnumbered the English in the proportion of two to one, and their reports to the home societies produced a marked effect on the deeply religious sense of the American people which, moreover, was then in the first flush of its great temperance movement. Of the American merchants in China some took as active a part in the opium trade as they could, but there was a large proportion of them who, from purely conscientious motives, not only took no part in the trade, but were actively opposed to it, and on every available opportunity

<sup>41</sup> Sir J. Bowring to Lord Clarendon, Jan. 8th, 1856, Papers rel. opium, p. 36.

<sup>42</sup> North-China Herald, Aug. 18th, Sept. 1st, 1855.

<sup>43</sup> Cf. ante, § 2.

<sup>44</sup> North-China Herald, March 27th, 1857.

<sup>45</sup> Ibid., April 18th, 25th, 1857.

supported the missionaries in their denunciations of its evils. The expressed policy of the government reflected the opinion of the people, and, in the first treaties, 1842-1844, the American was the only one which supported the Chinese prohibition of the trade—not only in the text of the treaty itself,<sup>46</sup> but also by the inclusion of the words “opium contraband” in the tariff. Until 1854 the consuls were appointed from the members of the firm of Russell & Co., one of those actively engaged in the trade, and there was therefore no official utterance on the subject from them; but the American naval officers took frequent occasion to give warning that they would afford no protection to ships or persons engaged in the illicit traffic.

§ 14. On the appointment of Mr. Reed as minister-plenipotentiary the government at Washington reiterated its policy of opposition to the traffic, and he was instructed to support the Chinese policy and to reaffirm the provisions against opium contained in the treaty of Wanghia. He arrived in China, therefore, predisposed against the legalisation of the trade, both by his official instructions and by his own opinions; but a study on the spot of the general conditions of trade and the evils of a special traffic conducted on a basis of smuggling, infraction of the law, and corrupt connivance of the officials, caused him to modify his views. Lord Elgin was limited to his instructions that he was to do no more than propose a change in the law; and he had sufficient breadth of view to realise that his instructions were right—that it would not be wise to impose on a defeated government so momentous a change in a trade of so peculiar a character. At the same time he realised also the many and great evils resulting from the vast smuggling trade, and desired strongly to see the Chinese themselves admit the wisdom of legalising the traffic and collecting from it the revenue of which their government was now deprived, although he could “not reconcile it to my sense of right to urge the Imperial government to abandon its traditional policy in this respect, under the kind of pressure which we were bringing to bear upon it at Tientsin.”<sup>47</sup> At this juncture, after the treaties were signed and before the negotiations respecting the trade rules were entered upon,

<sup>46</sup> Am. tr. Wanghia, art. xxxiii.

<sup>47</sup> Lord Elgin to Mr. Reed, Oct. 19th, 1858, Corr. rel. Elgin's Mission, p. 398.

Mr. Reed addressed a formal communication<sup>48</sup> to Lord Elgin in which, after urging that the export duty on tea ought to be lowered in the new tariff about to be discussed, he took up the question of the opium trade. His instructions were to offer to the Chinese the support of the American government in any lawful measures for the suppression of the trade, but, in his conferences with the Chinese officials, he had found that his overtures evoked no response; and he had come to the conclusion that the desire to obtain a revenue from opium was now stronger than the wish to prohibit it. He had further been impressed with the evils resulting from the illicit traffic, which had "all the dishonourable features of a great smuggling transaction," and which was "degrading alike to the producer, the importer, the official, whether foreign or Chinese, and the purchaser"; and he was "at a loss to understand why this inconvenient masquerade was kept up." Of effective prohibition he was not sanguine, and was now in favour of legalising and regulating a trade which could not be effectively prohibited. Finally, notwithstanding Lord Elgin's "repugnance to introduce the subject of opium to the consideration of the Chinese," he appealed to the ambassador's "high sense of duty to consider whether we, the representatives of Western and Christian nations, ought to consider our work done without some attempt to induce or compel an adjustment of the pernicious difficulty"; and added: "In such an attempt I shall cordially unite."

§ 15. The American government had adopted the policy expressed in the anti-opium agitation in England and America, and had instructed its representative to support the Chinese in any lawful measures to suppress the traffic; and any experienced diplomat, any trained servant of the state, would have been bound by the letter of his instructions, and, if he formed an opinion adverse to them, must at least have remained neutral and awaited further instructions before deliberately altering the avowed policy of his government. On his arrival in China, Mr. Reed undoubtedly found an "insufferable"<sup>49</sup> state of

<sup>48</sup> Mr. Reed to Lord Elgin, Sept. 13th, 1858, Corr. rel. Elgin's Mission, p. 393.

<sup>49</sup> "The evils of smuggling opium were insufferable. . . . The solution to a statesman in Lord Elgin's position was exceedingly difficult in relation to this point, and he perhaps took the safest course under the existing circumstances."—S. W. Williams, "Middle Kingdom," ii, p. 657.

affairs, injurious to all the interests concerned; and he found further that his own nationals engaged in the trade were greater offenders than the English, since the Americans committed breaches of their own law, as expressed in the treaty of Wanghia. To remedy this was imperative, but it does not seem fitting that the initiative should have been taken by an envoy whose instructions expressly enjoined on him the opposite course; and Mr. Reed must be included among those who have betrayed great causes. At Tientsin he deliberately omitted from his treaty the anti-opium provisions of the treaty of Wanghia,<sup>50</sup> which were a dead letter; and at Shanghai he supplied to Lord Elgin the impulse which was needed to induce him to raise the question at all. Fortified by the support of the representative of the only other nation which had a considerable share in the carrying trade, both in opium and in general commodities, Lord Elgin no longer saw any reason for hesitating to propose the legalisation of the opium trade to the Chinese deputies.

§ 16. The regulation of the opium trade was brought up at the second conference on the tariff and trade rules, held on October 13th, and no objection was made by the Chinese deputies.<sup>51</sup> They only stipulated for certain exceptional treatment, since, at the time of signing the treaty, the trade in opium was still legally prohibited, and this was acceded to at the same sitting. Under the rule "regarding certain commodities heretofore contraband,"<sup>52</sup> it was declared that "the restrictions affecting trade in opium . . . are relaxed under the following conditions." Opium was to pay Tls. 30 a picul

<sup>50</sup> "At your Excellency's instance, while the American treaty was in progress at Tientsin, I struck out from the draft the express prohibition of opium, which, as you are aware, is in the treaty of Wanghia."—Mr. Reed to Lord Elgin, *ubi sup.*

"Well do I remember the bland surprise of the Chinese deputies when I informed them that the anti-opium article was withdrawn. . . . [Mr. Reed had] backed down under a menace from Lord Elgin to introduce into the British treaty an article in favour of opium. . . . Mr. Reed had no fixed principles; he had gained his appointment by becoming a political turncoat. His proposal to prohibit opium was intended to win popularity, his introduction of it into his tariff was designed to obtain the credit of a daring initiative."—W. A. P. Martin, "A Cycle of Cathay," p. 184. It may be stated that the Americans did not join in the negotiations on the tariff; cf. chap. xxii, § 18.

<sup>51</sup> Minutes of conferences, Corr. rel. Elgin's Mission, p. 400.

<sup>52</sup> Rules of trade, rule v, Treaties, i, p. 232.

import duty. The importer was to sell it only at the port. It was to be carried into the interior by Chinese only, and only as Chinese property; the foreign trader would not be allowed to accompany it. The passport and transit dues privileges were not to be extended to it, and the transit dues were to be arranged as the Chinese government saw fit; and tariff revision was not to apply to opium. And so the great problem was settled on terms of a compromise which, considering the proved necessity of a settlement, and putting the moral aspect of the question entirely to one side, must be considered fair to both parties. It had been demonstrated that, for whatever reason, the government was powerless to prevent the foreign importer from introducing opium into China; and the foreign importer was in future permitted to bring the drug to the treaty port, and there only, and to land it on payment of a duty which, though somewhat exceeding the ordinary five per cent. rate of the tariff, was still so moderate in amount as to reduce to a minimum the temptation to smuggling; and the organised "smuggling," or delivery outside the treaty ports, ceased at once, and henceforth all opium in foreign hands was taken to the authorised places of trade. After being imported the opium was to be solely in Chinese hands, and subject to the unfettered discretion of the Chinese government; it might be heavily taxed, and, in fact, thirty years later it was ascertained that the average amount of inland taxation was nearly three times the import duty. Moreover, the government was left free, if it so wished, to decree the decapitation of any Chinese found with opium in their possession or selling it; but, in fact, for fifty years there was no renewal of the edicts against the distributing trade of opium, and for more than that term the treasury has derived a revenue from the trade. A feeling of hostility to opium-smoking survived in the empire, and there was at times a revival of the agitation against it; but no effective steps were taken until the issue of the edicts of 1906.



**TABLE G**  
**OPIUM, 1840-1860**

Shipments from Calcutta and Bombay (not including Damán), and  
estimated consumption in China.

Year (March 31st).	SHIPMENTS FROM INDIA.			Estimated Demand elsewhere.	Estimated Consump- tion, China.
	Bengal.	Malwa.	Total.		
Annual Average.	Chests.	Chests.	Chests.	Chests.	Chests.
1800-11	2,650	1,324	3,974		4,016*
1811-21	2,824	1,440	4,264		4,553*
1821-28	4,795	4,772†	9,567†		8,043*
1828-35	7,207	10,899†	18,106†		17,756*
1835-39	16,317	18,385†	34,702†		30,000*
1840	18,965	1,654	20,619	5,000	15,619
1841	17,858	16,773	34,631	5,000	29,631
1842	18,827	14,681	33,508	5,000	28,508
1843	18,362	24,337	42,699	6,000	36,699
1844	15,104	13,563	28,667	5,000	23,667
1845	18,350	20,660	39,010	6,000	33,010
1846	21,437	12,635	34,072	6,000	28,072
1847	21,648	18,602	40,250	7,000	33,250
1848	30,515	15,485	46,000	8,000	38,000
1849	36,566	16,509	53,075	10,000	43,075
1850	34,863	18,062	52,925	10,000	42,925
1851	33,561	22,000	55,561	11,000	44,561
1852	36,600	23,000	59,600	11,000	48,600
1853	30,463	27,111	66,574	12,000	54,574
1854	48,319	26,204	74,523	13,000	61,523
1855	53,321	25,033	78,354	13,000	65,354
1856	44,938	23,668	70,606	12,000	58,606
1857	42,441	29,944	72,385	12,000	60,385
1858	38,611	36,355	74,966	13,000	61,966
1859	34,685	41,137	75,822	13,000	62,822
1860	25,950	32,731	58,681	11,000	47,681

\* Including also Turkey opium.

† Including Malwa opium from Damán.

## CHAPTER XXIV

### THE SECOND TREATY SETTLEMENT

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§ 1. IN the foreign trade of China, during the years 1842 to 1858, the English had the largest share, being probably directly interested, as importers and exporters, in fully two-thirds of the commodities passing in and out, but in this must be included the silk which they handled and transmitted through London on behalf of French buyers ; the Americans came next, especially as shippers of tea, and in addition they had developed an important carrying trade, reaching its highest level between 1850 and 1855, in which they acted as carriers of the goods of others, chiefly between China and London ; the interest of other nations was as yet of the slightest. Of the foreign merchants resident in the treaty ports the British constituted a majority.

with the Americans next in importance.<sup>1</sup> There was therefore a greater volume of British interest to be affected adversely by illegal impediments obstructing the course of foreign trade, or by acts of violence against the persons of foreign residents, and a greater volume of English voices among those offering advice and warning to the negotiators of 1858. The foreign merchants in China had a clear idea of what they wanted. Putting in the forefront their trading interests, as was natural for people commorant only in the country and anxious to accumulate the fortune which should enable them to return to their native land, they were insistent on the removal of all restrictions which impaired their market, and their estimate of a proper market was measured rather by the volume of goods they had to offer, than by the amount which the Chinese consumers were ready to buy. They further insisted that the cup of Chinese iniquities was full to overflowing, and that now was the time to tie the hands of the Chinese government so that its officials should not again be in a position to work mischief to them and their trade.

§ 2. To Lord Elgin, as representing this British interest, was by common consent assigned the lead in the negotiations of 1858; and to him was in effect left the decision what should be included and what omitted in the terms to be "extorted under military pressure,"<sup>2</sup> and therefore not to be rejected, however unpalatable. He was fortunate in his colleague and ally, Baron Gros, whose voice was always for moderation, and who exercised much influence over Lord Elgin;<sup>3</sup> but the English ambassador was a statesman of much experience<sup>4</sup>

<sup>1</sup> In 1855 there were 155 British (111 English and 44 Parsee and other Indian) and 23 American firms in China in a total of 209; and 650 British and 150 American in a total of 942 adult male civilian foreign residents.—Anglo-Chinese Calendar for 1855. Cf. chap. xiii, § 4.

In 1855, of 437 ships (157,191 tons) entered at the port of Shanghai, 249 (of 75,131 tons) were under the British and 96 (of 56,792 tons) under the American flag. The exports from Shanghai in 1853 were valued at \$23,913,480; of this total the value of the shipments in British ships was \$14,445,300, and in American ships \$8,444,530. Cf. chap. xiii, § 13.

<sup>2</sup> Cf. chap. xxii, § 21.

<sup>3</sup> His influence failed only on one occasion, when, in October 1860, he did not succeed in persuading Lord Elgin to abandon his decision to burn the palace of Yuenmingyuen. Cf. chap. xxvi, §§ 21, 22.

<sup>4</sup> Born in 1811, he was governor of Jamaica in 1842, and governor-general of Canada in 1846. In 1861 he was sent as viceroy to India, where he died in 1863.

and sound judgment, and the decisions he took were his own. As was the case also with Sir H. Pottinger and Sir J. F. Davis, the conduct of Lord Elgin and the line of policy adopted by him were much criticised by the English residents in China as not adequate to the situation, and calculated to lead to the same state of unsettlement which followed on the earlier treaties; but Lord Elgin was one who could think imperially—his object was to leave behind him a situation which should conduce to peace and not to continued friction, and his treaty has been the rule governing China's international relations during the more than half a century which has elapsed since its signature. The principle on which he acted is best elucidated by his own words in transmitting the treaty :

"The concessions obtained in it from the Chinese government are not in themselves extravagant; nor, with the exception of the important principle of extraterritoriality, in excess of those which commercial nations are wont freely to grant to each other; but, in the eyes of the Chinese government, they amount to a revolution, and involve the surrender of some of the most cherished principles of the traditional policy of the empire. They have been extorted, therefore, from its fears. These concessions, moreover, thus extorted from the fears of the Chinese government . . . will no doubt be claimed and exercised very generally by the subjects and citizens of other occidental nations. In framing the clauses of the treaty herewith submitted, I have not been unmindful of the claims which, on these grounds, the Chinese government has on our forbearance and moderation."<sup>5</sup>

The verdict of posterity has been that history has justified his assertion that "I have been China's friend in all this,"<sup>6</sup> and that, in following this policy, he also best served British interests.

§ 3. National Status.—This narrative of events from the arrival of Lord Napier in 1834 to the withdrawal of the allied forces from Peking in 1860, is the record of the efforts made, at first by England alone, and then by the United States and France, in co-operation with England, to secure from the haughty court of Peking recognition of the fact that the Western powers were not vassals of China, but were sovereign powers entitled to be treated on a plane of equality. Pecuniary interest was at the bottom of the Chinese resistance to many

<sup>5</sup> Lord Elgin to Lord Malmesbury, July 12th, 1858, Corr. rel. Elgin's Mission, p. 345.

<sup>6</sup> Walrond, "Letters," p. 252.

others of the demands preferred, but in the opposition to this claim there was the strong ingredient of national pride; the sovereigns who occupied the throne had never yet received the representative of any nation whose claim to equality was recognised, and the sovereigns of the nineteenth century were slow to recognise that any change had come to international relations. The Chinese policy had always been to treat its foreign affairs as purely commercial, and to commit their regulation and administration to the provincial authorities at Canton, which was at once the sea-port at which the foreign trade was centred and the sea-port the farthest removed from the seat of government; no direct relations with the Imperial government were ever permitted. Lord Elgin saw, as others before him had seen, that here lay the root of the difficulty. A provincial governor considered first the interests of his own province and not those of the empire. "He regards the interests of other provinces rather as a jealous rival than as a protector," and therefore could not be expected to exercise an independent judgment; "his life and fortune are absolutely at the disposal of a jealous government, profoundly ignorant of foreign affairs."<sup>7</sup> Lord Elgin was resolved to alter this habit of leaving foreign affairs to the discretion of a provincial viceroy, being also convinced that direct relations between the Imperial government and the foreign representative would work to remove misunderstanding and mitigate the general prejudice against foreigners. He accordingly inserted in the treaty a provision<sup>8</sup> that the British envoy might reside permanently at Peking. To this the Chinese offered their strongest and their longest opposition;<sup>9</sup> but, after an honest attempt to consider their views, the events of 1859 and 1860 ultimately compelled strict adhesion to the letter of the stipulation. The privilege thereupon became the right of the other powers engaged in the negotiations.<sup>10</sup> The Chinese would not waive their demand for the kotow, to which the foreign powers would not accede, and the settlement of the right of personal audience was postponed for yet another fifteen years; but the acceptance of the

<sup>7</sup> Lord Elgin to Lord Malmesbury, July 12th, 1858, Corr. rel. Elgin's Mission, p. 346.

<sup>8</sup> Br. tr. Tientsin, 1858, art. iii.

<sup>9</sup> Cf. chap. xxii, §§ 15, 21, 22; chap. xxv, *passim*.

<sup>10</sup> Am. tr. Tientsin, 1858, art. vi; Fr. tr. Tientsin, 1858, art. ii.

permanent legation constituted in effect a recognition of national equality.

§ 4. *Diplomatic Relations*.—Nothing more clearly demonstrates the need for some change in the international relations than the minuteness with which it was thought proper to prescribe the nature of the attentions to be shown to foreign envoys. The most elementary acts of courtesy were carefully stipulated for in a treaty of peace and amity which was meant to endure for ever, and which has been in force, with but slight amendment, for more than half a century. The foreign envoy was to be allowed to visit the capital; he was not to be called upon to perform any derogatory ceremony, but, in return, was to be polite to the sovereign to whom he was accredited; he might acquire a site for a residence, and choose his own servants; and any one disrespectful to him was to be severely punished.<sup>11</sup> He was to be allowed to travel, and his correspondence was not to be interfered with; he could employ his own couriers; but he was to pay his own expenses.<sup>12</sup> He was to have direct relations with a high minister of state at Peking; and the Chinese envoys abroad were to enjoy reciprocal rights.<sup>13</sup> The forms for correspondence were regulated;<sup>14</sup> but communications were to be in the foreign language, accompanied for the present by a translation into Chinese, but the foreign text was to be authoritative.<sup>15</sup> Interviews were no longer to be refused by viceroys or governors;<sup>16</sup> and foreigners were not to be styled Yi (barbarian) in official documents.<sup>17</sup>

§ 5. *Consuls*.—Consular officers might be appointed to any of the treaty ports, and were to be treated with due respect by the Chinese authorities; consuls were to rank with taotais and vice-consuls with prefects (chih-fu).<sup>18</sup> By the earlier treaties it was provided that British consuls were "to see that the just duties and other dues of the Chinese government are duly discharged by British subjects"<sup>19</sup> and to be "security for all

<sup>11</sup> Br. tr., art. iii; Am. tr., art. v; Fr. tr., art. ii.

<sup>12</sup> Br. tr., art. iv; Am. tr., art. v; Fr. tr., art. ii.

<sup>13</sup> Br. tr., arts. v, vi; Am. tr., art. iv; Fr. tr., art. ii.

<sup>14</sup> Br. tr. Nanking, 1842, art. xi; Am. tr. Tientsin, 1858, art. vii; Fr. tr. Tientsin, 1858, art. iv.

<sup>15</sup> Br. tr. Tientsin, 1858, art. i; Fr. tr., art. iii.

<sup>16</sup> Am. tr., art. viii.

<sup>17</sup> Br. tr., art. li.

<sup>18</sup> Br. tr., art. vii; Am. tr., art. x; Fr. tr., art. v.

<sup>19</sup> Br. tr. Nanking, 1842, art. ii.

British merchant ships entering any of the aforesaid five ports.”<sup>20</sup> These obligations were not assumed by any other power, and the provision was not included in the British treaty of 1858.

§ 6. *Hongkong*.—In the course of twenty years a change came over the attitude of the English towards Hongkong. In January 1841 Captain Elliot, though without authority,<sup>21</sup> accepted the cession of Hongkong, but with the accompanying condition that “all just charges and duties to the empire upon the commerce carried on there are to be paid as if the trade were conducted at Whampoa.”<sup>22</sup> Lord Palmerston was at first inclined to believe that this condition rendered the cession of little value;<sup>23</sup> but in his instructions to Sir H. Pottinger<sup>24</sup> he referred to several instances in Europe of the collection of dues on foreign soil, and expressed his opinion that, by such a procedure at Hongkong, “British commerce might be much encouraged.” At the close of 1843 Sir J. F. Davis “was told by Lord Aberdeen, before quitting England, that it might be necessary to tolerate the presence of a Chinese mandarin, for the control of the natives.”<sup>25</sup> The treaty arrangements actually made did not provide for the presence of a Chinese revenue officer in the colony, but they made some provision which, if properly carried out, would have allowed to the Chinese authorities an effective control over the local trade between Hongkong and Chinese ports.<sup>26</sup> Owing chiefly to the fault of the Chinese authorities, but partly also to the strong desire of the Hongkong merchants to establish the colony on an absolutely free-trade basis, this control was never brought into operation;<sup>27</sup> and in the treaty of 1858 Hongkong was not even mentioned; it was a British port and was to be treated on the footing of any other foreign port.

§ 7. *Treaty Ports*.—To the five ports opened to foreign trade by the first settlement were now added eleven others: Newchwang, Tengchow, Hankow, Kiukiang, Chinkiang, Taiwanfu, Tamsui, Swatow, Kiungchow, Nanking;<sup>28</sup> and, in 1860,

<sup>20</sup> Br. Gen. Reg. Trade, 1843, art. xv.

<sup>21</sup> Cf. appendix H.

<sup>22</sup> Cf. chap. x, § 14.

<sup>23</sup> Cf. chap. x, § 15.

<sup>24</sup> Cf. chap. x, § 28; appendix K.

<sup>25</sup> J. F. Davis, “China since the Peace,” ii, p. 46.

<sup>26</sup> Br. tr. Bogue, 1843, arts. xiii-xvi. Cf. chap. xi, § 17.

<sup>27</sup> Cf. chap. xii, § 16.

<sup>28</sup> Br. tr. Tientsin, 1858, arts. x, xi; Am. tr., art. xiv; Fr. tr., art. vi.

Tientsin.<sup>29</sup> The opening of Hankow and Kiukiang was to be deferred until peace was restored on the Yangtze; <sup>30</sup> the opening of Nanking was also to be deferred,<sup>31</sup> and it was actually effected only in 1899; Kiungchow was not opened until 1876; for Tengchow was substituted the harbour of Chefoo, forty miles to the east, as offering a better anchorage, the port being at Yentai, on the opposite shore; and a considerable but illicit foreign coasting trade had already, some years before they were opened, grown up with Swatow, Taiwanfu and Tamsui.<sup>32</sup> At these ports, and at these only, foreign merchants were permitted to reside and trade, and to them foreign ships were permitted to resort; ships attempting to trade at other ports were liable to confiscation. At the ports merchants might buy and rent houses and were protected from all exactions.<sup>33</sup>

§ 8. *Monopolies.*—All combinations of the nature of monopoly having been abolished by the first treaties, no reference was again made to the general subject in the British and American treaties of 1858; but in the French treaty the prohibition of monopolies was renewed, and free competition guaranteed.<sup>34</sup> All the treaties, however, concurred in providing for freedom of contract in buying and selling, in the employment of Chinese, in hiring boats and lighters, in the retaining of teachers and buying of books, etc.<sup>35</sup>

§ 9. *Passports.*—It was provided that foreigners might “travel for their pleasure or for purposes of trade to all parts of the interior,” under passport to be issued by the consul and countersigned by the Chinese authorities. Any person committing an offence, or found without a passport in the interior, was to be sent to the nearest consul without being subjected to ill-usage. The passport privilege was not to be extended to the crews of ships. No passport was required for excursions within 100 li (33 miles) of the ports.<sup>36</sup>

<sup>29</sup> Br. conv. Peking, 1860, art. iv; Fr. conv., art. vii.

<sup>30</sup> Br. tr. Tientsin, 1858, art. x.

<sup>31</sup> Fr. tr. Tientsin, 1858, art. vi.

<sup>32</sup> Mr. J. Jardine to Lord Elgin, Oct. 1st, 1857, Corr. rel. Elgin's Mission, p. 83.

<sup>33</sup> Br. tr. Tientsin, 1858, arts. xii, xlvii; Am. tr., arts. xii, xiv; Fr. tr., arts. vii, xii. By the American (art. xiv) and French (art. vii) treaties the cargoes of ships trading at non-treaty ports were also liable to confiscation.

<sup>34</sup> Fr. tr. Tientsin, 1858, art. xiv.

<sup>35</sup> Br. tr., arts. xiii, xiv; Am. tr., arts. xv, xvii, xxv; Fr. tr., arts. x, xi, xviii.

<sup>36</sup> Br. tr., art. ix; Fr. tr., art. viii.



§ 10. Acts of Violence.—The British treaty provided for concerted measures for the suppression of piracy;<sup>37</sup> in theory there had been concert for this purpose during the preceding fifteen years, but in practice the suppression of piracy had been left to the English both by China and by other foreign powers, their shipping interest, the interest endangered, being greater than that of others.<sup>38</sup> All the treaties provided that national ships of war engaged in protecting commerce should receive all due facilities; that, if foreign ships were plundered, it was the duty of the Chinese to punish the offenders and to recover the stolen property; that the property of foreign residents should be protected by the Chinese from mob violence.<sup>39</sup> The French treaty made explicit reference to the claims to be made on China for compensation for injury to property on shore;<sup>40</sup> but by the American treaty the Chinese authorities, while bound to exercise due diligence in recovering property plundered from ships, were absolved from the obligation to pay compensation for any not so recovered, unless collusion with the pirates were shown to exist.<sup>41</sup>

§ 11. Criminal and Civil Jurisdiction.—The principle of extra-territoriality was carried further than in the first settlement, and but little of the procedure as it exists to-day, in 1910, was left unsettled by the treaties of 1858, though matters of detail were further developed, by regulation in 1865, and by treaty in 1876 and in 1880. All questions in regard to rights, whether of property or person, between foreigners of the same nationality, were subject to the jurisdiction of the authorities of that nationality. Similar questions between foreigners of different nationalities were to be regulated by the treaties existing between the two powers concerned, without interference on the part of China; in practice this has meant that the plaintiff has sought his remedy from the court to whose jurisdiction the defendant is subject. In criminal cases in which a foreigner was party on the one side and a Chinese on the other, the person accused of an offence was to be tried and punished by the authorities and according to the laws of his own country. In

<sup>37</sup> Br. tr., art. liii.

<sup>38</sup> Cf. chap. xv, §§ 4, 5.

<sup>39</sup> Br. tr., arts. xviii, xix, lii; Am. tr., arts. ix, xi, xiii; Fr. tr., arts. xxix, xxx, xxxiv, xxxvi.

<sup>40</sup> Fr. tr., art. xxxvi.

<sup>41</sup> Am. tr., art. xiii.

similar civil cases the protecting officials on the two sides were to endeavour to arrange them amicably, failing which they were to investigate them jointly; in practice such cases come before the courts of the defendant, but the consul has exercised his right of supervision over those coming before the Chinese courts.<sup>42</sup> Extradition was also provided for Chinese criminals or debtors escaping to foreign ships and houses, and for deserters from foreign ships into Chinese territory; also for similar offenders between Hongkong and Chinese territory.<sup>43</sup>

§ 12. *Missions.*—The Catholic missionaries had worked in the Chinese field for three centuries, since the arrival of Francis Xavier, who died at Shangchuen in 1552. The first Protestant missionaries were those who accompanied the Dutch in 1627, and preached the gospel in Formosa; in 1662 five of their number were beheaded and the rest expelled with their countrymen. The modern Protestant movement was inaugurated by the arrival of Dr. Robert Morrison at Canton in 1807; he devoted himself mainly to his very important dictionary and to translations, and was alone<sup>44</sup> in the field until the arrival in 1829 of the American missionary, Dr. Elijah Coleman Bridgman. With the abolition of the factory system at Canton and the opening of additional ports in 1842, a new enthusiasm filled the workers and their numbers grew. In January 1845 there were, counting only adult males, 10 English, 20 American, and 1 German; in 1848 there were 19 English, 44 American, 2 Swiss, and 2 German; in 1855 there were 24 English, 46 American, 2 Swiss, and 3 German. These had a very necessary preliminary work to do in translating, but for preaching and personal influence they were restricted to the treaty ports and their immediate vicinity. To these zealous workers, Catholic and Protestant alike, the treaties of 1858 gave freedom of movement, by giving them freedom from molestation. Henceforth those who quietly professed and those who taught the doctrines of the Christian religion were not to be harassed or persecuted on account of their faith.<sup>45</sup> In addition, the

<sup>42</sup> Br. tr., arts. xv, xvi, xvii; Am. tr., arts. xi, xxiv, xxvii, xxviii; Fr. tr., arts. xxxiii, xxxv, xxxvii, xxxviii, xxxix.

<sup>43</sup> Br. tr., arts. xxi, xxii, xxiii; Am. tr., art. xviii; Fr. tr., art. xxxii.

<sup>44</sup> Except that, 1813–1815, he was joined for a time by the Rev. Wm. Milne, of the same society.

<sup>45</sup> Br. tr., art. viii; Am. tr., art. xxix; Fr. tr., art. xlii.

French treaty stipulated that effective protection was to be given to missionaries going peaceably into the interior and duly provided with passports. The further concession of the right to hold property in the interior,<sup>46</sup> secured to the Catholic missionaries in 1860, secured also to the Protestant missions the right to lease houses for stations in the interior; and from that year the missions of all Christian denominations and all nations found opened to them for mission work the immense field of the empire of China, from Kansu in the west to Kiangsu in the east, and from Manchuria in the north to Kwangtung in the south.

§ 13. *Tariff of Duties.*—The American treaty provided simply for the continuance of the tariff annexed to the treaty of Wanghia, "except so far as it may be modified by treaties with other nations."<sup>47</sup> Under the provisions of the British and French treaties, a revised tariff was agreed to,<sup>48</sup> based generally on a rate of 5 per cent. on the value of that time; this tariff was subject to revision at intervals of ten years; duties were to be paid to official bankers; and standard weights and measures were to be supplied by the Chinese customs.<sup>49</sup>

§ 14. *Customs Procedure: Ships.*—On the arrival of a merchant ship the customs might send officers on board to protect the revenue, but they must supply themselves with food, and were not allowed to exact fees;<sup>50</sup> this tapped one of the roots of former malpractice, and protected the ship against the extortion of the underlings. The ship's papers were to be lodged without delay with the consul, who was then without delay to report her name, tonnage, and the nature of her cargo; the master was responsible for the correctness of the manifest, and for a false manifest was liable to a fine of Tls. 500. Permit to open hatches might then be issued, and special permits must be taken out to land or ship cargo, or to tranship from one vessel to another. When all dues and duties had been paid, the customs was to issue a port clearance, and the consul might then return the ship's papers, without which she could not sail.

<sup>46</sup> Fr. conv. Peking, 1860, art. vi.

<sup>47</sup> Am. tr. Tientsin, 1858, art. xv.

<sup>48</sup> Cf. chap. xxii, § 19.

<sup>49</sup> Br. tr., arts. xxiv, xxv, xxvi, xxvii, xxxiii, xxxiv; Fr. tr., arts. xxvi, xxvii; Rules of Trade, 1858, additional rule to those signed by France, Treaties, i. p. 669.

<sup>50</sup> Br. tr., art. xxxvi; Am. tr., art. xviii; Fr. tr., art. xvi.

Any ship concerned in smuggling might be prohibited from trading further at any Chinese port. All penalties legally enforced were to belong to the Chinese government.<sup>51</sup> This was a system adapted to a carrying trade in sailing vessels, few of them exceeding 400 tons burden, which made leisurely voyages, remained long in port, and delivered their cargo against bill of lading; and it has had to be applied to a trade carried in steamers, some of them exceeding 4000 tons register, hastening from port to port, and discharging their cargoes in a few hours, unassorted, into wharves and warehouses, in which they may remain uncleared at the customs for a month or more after the departure of the vessel which brought them. The rule requires that all duties shall be paid before the departure of the ship; in practice, in the case of steamers, the duties often remain unpaid for weeks, and it is in the grant of this privilege, not secured by treaty, that the customs finds its principal lever in the control of shipping which is otherwise so fully protected by many treaty privileges.

§ 15. Customs Procedure: Goods.—In the appraisement and assessment of duty on his goods the foreign merchant was most fully protected. In fixing a value the customs was not left without a check, but must call in other merchants to arbitrate; on the other hand, there was no power to call for invoices. The method of settling net weight and tare was carefully prescribed. A proportionate reduction of duty was to be allowed on damaged goods. Imports having once paid duty on arrival might be re-exported to another Chinese port without further payment; and, if re-exported to a foreign port, a drawback was to be issued for the import duty originally paid.<sup>52</sup> These provisions were simple, especially when applied to a simple tariff, and they required to be supplemented by much regulation during the coming years; for this the machinery was supplied in the new organisation under foreign control which was, for foreign trade, to replace the old native control; but all regulations were necessarily within the four corners of the treaty, and the foreign merchant has from that time enjoyed a highly privileged position.

<sup>51</sup> Br. tr., arts. xxxvii-xli, xlviii, xlix; Am. tr., arts. xix, xxiii; Fr. tr., arts. xvii, xx, xxv, xxviii.

<sup>52</sup> Br. tr., arts. xlii-xlv; Am. tr., arts. xx-xxii; Fr. tr., arts. xix, xxj, xxiv.

§ 16. *Coasting Trade*.—No provision was made for the coasting trade in foreign bottoms, other than a stipulation that "if a master of any vessel in port desire to discharge a part only of the cargo, it shall be lawful for him to do so, paying duty on such part only, and to proceed with the remainder to any other ports."<sup>53</sup> Yet a great coasting trade had grown up in the course of years, carried in ships of small size from all the countries of the world, even from some which had no other interest in the China trade,<sup>54</sup> and steamers under foreign flags were soon to ply on the coast and the Yangtze; and these vessels increased rapidly and displaced more and more the native junk, owing to their better sailing qualities, the greater protection given against piracy, and the insurability of their cargo.<sup>55</sup> In the absence of regulation, some form of procedure had to be devised. On sailing from a Chinese port the ultimate destination of their lading could never be positively certified in advance, and the customary export duty was therefore levied on it; on arrival at a second Chinese port, however, the provenance of the cargo was capable of certification, and, on production of the necessary proof, not an import duty, but half that rate was levied as representing the transit dues which must have been paid on inland transit. This system of coast-trade duty, developed outside the treaties, has subsisted to this day.

§ 17. *Tonnage Dues*.—By the first treaty settlement the old fees for entry and clearance, irregular in amount, but seldom falling below \$10 a ton, were consolidated and at the same time reduced to Tl. 0.50 a ton; by the second settlement they were further reduced to Tl. 0.40 a ton; by both, vessels not exceeding 150 tons were charged at Tl. 0.10 a ton only. Boats for passengers and letters only were exempt; and a ship, not breaking bulk, might remain in port for a period not exceeding forty-eight hours without becoming liable. Ships having once paid tonnage dues were entitled to a certificate exempting them from further payment for a term of four

<sup>53</sup> Am. tr., art. xix; Fr. tr., art. xxiv.

<sup>54</sup> "Such a mosquito fleet was perhaps never before seen as that which flew the flags of the Hanse Towns and of Scandinavia on the China coast between 1850 and 1860; and many a frugal family on the Elbe, the Weser, and the Baltic lived and thrived out of the earnings of these admirably managed and well-equipped vessels."—Michie, "*Englishman in China*," i, p. 218.

<sup>55</sup> Mr. J. Jardine to Lord Elgin, Oct. 1st, 1857, Corr. rel. Elgin's Mission, p. 83.

months.<sup>56</sup> The original fees for which tonnage dues were substituted were a charge for admission to the privileges of the port—anchorage, supplies, trade, etc.—and were in no sense light dues; but, incidentally and in a casual manner, it was now stipulated that the maintenance of lights, buoys, and beacons “shall be provided for out of the tonnage dues.”<sup>57</sup> The Chinese government, under the inspiration of the inspector-general of customs, interpreted this most liberally, and, while reserving three-tenths of the gross collection from tonnage dues for education on Western lines, devoted the remaining seven-tenths year after year to the maintenance of aids to navigation.

§ 18. *Transit Dues.*—The amount to be levied on the transit of foreign imports into the interior was left in the first settlement in an unsatisfactory state, it being stipulated only that it “shall not exceed the present rates which are upon a moderate scale.”<sup>58</sup> What were these “present rates” was never ascertainable; and what the rates which have been in force and actually collected at any given time, it has never been possible to ascertain from that day to this, owing to the Chinese method of levying taxes, especially those on the movement of commodities.<sup>59</sup> In the second settlement, therefore, while the right of the Chinese government to levy an additional duty on inland transit was recognised, an attempt was made to keep it within moderate limits, which were not to be exceeded; and at the same time the privilege attaching to foreign imports was extended to Chinese produce declared to be for export to a foreign port. The foreign merchant was, in both cases, to be entitled to commute all inland transit dues by one payment in advance, the whole amount of which was not to exceed  $2\frac{1}{2}$  per cent. on the value, i.e. half the tariff duty. Unauthorised sale at a point short of the declared destination was prohibited.<sup>60</sup>

§ 19. *Miscellaneous.*—The consuls and the Chinese authorities were to consult together regarding the installation of lights and other aids to navigation;<sup>61</sup> it has not been found necessary

<sup>56</sup> Br. tr., arts. xxix–xxxii; Am. tr., art. xvi; Fr. tr., arts. xx, xxii; Fr. conv. Peking, 1860, art. x. The four months' certificate was supposed to exclude a second trip from Europe to China, but with the greater speed of steamers it now happens often that a steamer has returned a second time to China from European ports within four months.

<sup>57</sup> Rules of Trade, 1858, rule x.

<sup>58</sup> Declaration respecting transit duties, June 26th, 1843, Treaties, i, p. 165.

<sup>59</sup> Cf. chap. ii, *passim*.

<sup>60</sup> Br. tr., art. xxviii; Fr. tr., art. xxiii; Rules of Trade, 1858, rule vii.

<sup>61</sup> Br. tr., art. xxxii.

to act on this stipulation owing to the efficiency of the lights administration under the inspectorate of customs. Foreign ships were to be free to engage pilots to take them in and out of port;<sup>62</sup> the French treaty provided for the issue of pilots' licences by the consuls, but the task has been performed, better and without respect to nationality, by the customs administration. The American and French negotiators had seen the necessity of protecting the interests of their nationals, being neutrals, during the progress of hostilities to which they were not parties, and made due provision in the treaties for the uninterrupted continuance of neutral trade.<sup>63</sup> Finally, the American republic, not content with declaring that "there shall be, as there always has been, peace and friendship" between the two countries, undertook to "exert its good offices to bring about an amicable arrangement," in the case of disagreement between China and a third power.<sup>64</sup>

§ 20. *Most-favoured-nation Clause.*—There was general community of interest among the Western powers in China, and each declared that it had no desire to obtain exclusive concessions. At the same time no power had a wish to allow exclusive concessions to others; and in each treaty was inserted a provision to the effect that this government and its subjects were to be "allowed free and equal participation in all privileges, immunities, and advantages that may have been or may be hereafter granted by China to any other nation."<sup>65</sup> This is the charter of privilege of the smaller powers, which, completing to-day a total of eighteen powers having treaties with China, have all included it in their treaties.

§ 21. *Indemnities.*—The indemnities for the causes which led to the war were provided for in separate articles, not required to be published by China. By the treaties of Tientsin, 1858, the sum of Tls. 4,000,000 was payable to England and Tls. 2,000,000 to France, increased in 1860 to Tls. 8,000,000 to each power;<sup>66</sup> and certain places were to be held as material guarantee for the payment, which was provided out of the customs revenue from foreign trade.

<sup>62</sup> Br. tr., art. xxxv; Am. tr., art. xvii; Fr. tr., art. xv.

<sup>63</sup> Am. tr., art. xxvi; Fr. tr., art. xxxi.

<sup>64</sup> Am. tr., art. i.

<sup>65</sup> Br. tr., art. liv; Am. tr., art. xxx; Fr. tr., art. xi; Russ. tr., art. xii.

<sup>66</sup> Cf. chap. xxvi, § 26.

## CHAPTER XXV

### THE RUPTURE AT TAKU, 1859

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§ 1. THE year 1859 opened at Canton with the sense of disquiet continuing to fill the minds of the English and French officers charged with control of the government of the city;<sup>1</sup> the activity of the hostile elements within the city was abated, but in the country around there were still evidences of an organisation intended, notwithstanding the treaties which had been signed, to operate against the military occupation. On January 4th two or three hundred braves took the unusually impudent step of "sniping" a body of 700 English marines as they returned from walking exercise, but they were held at a distance, and the marines reached Canton without casualties,

<sup>1</sup> Cf. chap. xxii, § 17.



After vainly demanding from Pikwei the surrender of the ring-leaders, the English commander on the 8th led a force of 1500 troops to Shektsing, where the incident had occurred, about seven miles from Canton. The braves had twenty cannon and met one assault, but then fled, and no one in uniform could be found during the remainder of the march. The troops "were everywhere received with great civility and respect by the people."<sup>2</sup> On January 18th a small expedition was despatched to Kongtsun, and "was throughout treated with civility."<sup>3</sup> On February 8th a force of 900 English and 130 French was despatched to Fayün (Hwahien), a town thirty miles north from Canton, the birthplace of Hung Siu-tsuen, and "of late notorious as the headquarters of the committee employed in organising braves, and directing operations against the allies."<sup>4</sup> The expedition was received in the most friendly way by the minor officials and the people of the district, supplies being readily brought in; and it returned to Canton on the 12th. The only people to suffer in their persons were four coolies of the English military train, who were publicly punished for pilfering. Another joint expedition was despatched by boat up the West River on February 19th, arriving at Wuchow on the 24th; it returned to Canton on March 3rd, having everywhere been well received by officials and people.<sup>5</sup> The country around Canton remained quiet for some time after this.<sup>6</sup>

§ 2. In response to Lord Elgin's complaint on the active hostility at Canton, and his demand for the removal of the viceroy, he was informed that the seal of High Commissioner for Foreign Affairs had been transferred from the Canton viceroy, Hwang Tsung-han, to the Nanking viceroy, Ho Kwei-ting, who had shown himself more friendly in manner to the foreign envoys. In acknowledging the receipt of the communication of

<sup>2</sup> H. Parkes to W. Lockhart, Jan. 13th, 1859, Lane-Poole, "Life of Sir H. Parkes," i, p. 291.

<sup>3</sup> Lane-Poole, op. cit., i, p. 294.

<sup>4</sup> Lord Elgin to Lord Malmesbury, Feb. 12th, 1859, Corr. rel. Elgin's Mission, p. 480.

This committee, among other hostile acts, had issued a notification offering a reward of \$30,000 for the head of Mr. Parkes.—Lane-Poole, op. cit., i, p. 290; Lord Elgin to Kweiliang, etc., Oct. 7th, 1858, Corr. rel. Elgin's Mission, p. 387.

<sup>5</sup> Mr. Parkes' report to Lord Elgin, March 12th, 1859, in Lane-Poole, op. cit., i, pp. 296 seq.

<sup>6</sup> Consul Winchester to Mr. Bruce, Aug. 22nd, 1859, Corr. with Mr. Bruce, H.M. en.-ext. and min.-plen. in China, p. 44.

this fact, Lord Elgin took occasion to refer pointedly to the condition on which he had recommended that the right of permanent residence in Peking be waived—viz.: “if H.M. representative be properly received at Peking when the ratifications are exchanged, and full effect given in all other particulars to the treaty of Tientsin.”<sup>7</sup> It would seem that the many warnings he must have received of the unwisdom of trusting the Chinese, had produced their effect, for him thus to repeat the condition he had already made clear. On the other hand, this action of the Chinese government must be taken to indicate an apparent intention to execute the new treaties in good faith.

§ 3. It was the first intention of the allied powers, proposed by the British government and at once accepted by the French, that their representatives to the court of Peking who were first to be brought into direct touch with the central government, should have the rank of ambassador.<sup>8</sup> This was partly to give them dignity in the eyes of the Chinese; but chiefly because, at that great distance, much must be left to their individual judgment without the intervention of the home authorities, and for such a situation only men of superior rank and ability were suitable.<sup>9</sup> This intention was abandoned, but first the French government offered the embassy to Baron Gros, who declined to accept it; he pleaded his state of health which would not permit him to continue his laborious task, the more that he was convinced that the first envoys would not be well received, especially if they were the same who had been so outspoken to the Chinese statesmen, who had attacked the empire at Canton and at Taku, and who, “proceeding to threaten the person of the emperor himself at a few miles only from Peking, had forced him, pistol at the throat, to accept conditions of which several appeared to him humiliating and fatal for his person, as well as for his vast empire, conditions which, I much fear, can be carried out only if supported by force.”<sup>10</sup> On this the two powers resolved to maintain only an “envoy-extraordinary and

<sup>7</sup> Lord Elgin to Kweilang, etc., March 2nd, 1859, Corr. rel. Elgin's Mission, p. 484.

<sup>8</sup> Cordier, “Expédition de Chine, 1860,” pp. 35–38.

<sup>9</sup> Lord Malmesbury to Lord Cowley, H.B.M. ambassador at Paris, Oct. 22nd, 1858, Cordier, op. cit., p. 35.

<sup>10</sup> Baron Gros to Min. For. Aff., Dec. 28th, 1858, *ibid.*, p. 37.

minister-plenipotentiary";<sup>11</sup> the French government left M. de Bourboulon to fill this post, and the British government appointed the Hon. Frederick W. A. Bruce, brother of Lord Elgin, who had been secretary to Lord Elgin's mission.

§ 4. By Mr. Bruce's instructions<sup>12</sup> he was to take over the office of chief superintendent of British trade (thereby leaving to Sir J. Bowring only the functions of governor and commander-in-chief of Hongkong) and transfer the general direction of British affairs in China to Shanghai, until such time as it should be established at Peking. The government was "prepared to expect that all the arts at which the Chinese are such experts will be put in practice to dissuade you from repairing to the capital, even for the purpose of exchanging the ratifications of the treaty;" but he was to brush aside all such attempts and admit of no excuses, and was to warn them that the only result would be that the British government would "insist on the literal fulfilment of the treaty, and establish the mission permanently at Peking." He was to request in advance that a suitable reception should be arranged at Taku and at Tientsin, and provision made for his journey from Tientsin to Peking, and in going north should be accompanied by a "sufficient naval force." He was to insist on an honourable reception at Peking and was to refuse to comply with any ceremony which would imply inferiority; and was to refuse to exchange the ratifications at any other place. Should the Chinese government introduce the subject of joint action in reducing the Taiping rebels, he might take the question into careful consideration, but, in any case, the British government would do nothing without previous concert with, and the assured co-operation of, its allies.

§ 5. Mr. Bruce reached Hongkong April 26th, and remained there until June 2nd, when he left for Shanghai in company with M. de Bourboulon. While at Hongkong he heard many rumours regarding the state of affairs in the north; some baseless figments of the imagination, others subsequently found true. Among them all perhaps the intimation which gave the most accurate forecast was contained in a memorandum from

<sup>11</sup> This is the usual title of the second grade of diplomatic representative, ordinarily designated as (British) minister.

<sup>12</sup> Lord Malmesbury to Mr. Bruce, March 1st, 1859, Corr. with Mr. Bruce, p. 1; Cordier, op. cit., p. 47.

Mr. Robert Hart, then interpreter to the British consulate at Canton.<sup>13</sup> He reported that he had learned from a well-informed Chinese source that the emperor was "highly displeased" with some of the provisions of the treaty, especially that securing the right of an envoy resident at Peking, and had resolved not to grant an audience on any pretext; that military preparations were going on at Peking and Tientsin; that Russia had offered material aid, which had been refused for fear of her ulterior motives; that the task of preventing the allies from reaching Peking had been entrusted to Sengkolintsin,<sup>14</sup> who had under his orders 50,000 troops, Manchu and Mongol; that he had rebuilt the forts at Taku and Tientsin, and staked the river so as to render it impossible for foreign vessels to reach Tientsin; that his orders were to receive the allies at Tientsin with all civility, but at all hazards to prevent any nearer approach to Peking; that Sengkolintsin was a leader of the war party, now uppermost; that some thought that the British minister, if accompanied by not more than a hundred men,<sup>15</sup> might possibly be permitted to reach Peking, but the general opinion was that a larger force would be attacked and cut to pieces. He, as well as others, also reported the presence in Peking of a Russian envoy, accompanied by about a hundred persons, whose habit of wandering freely about the capital gave great offence to the court.

§ 6. Mr. Bruce reached Shanghai on June 6th and M. de Bourboulon on the 7th, finding Mr. Ward already there, and the Chinese plenipotentiaries<sup>16</sup> awaiting their arrival. The first act of the latter was to assume the position of merely continuing unfinished business and opening further negotiations at Shanghai.<sup>17</sup> Mr. Bruce, in conjunction with his colleagues, at once informed them that he must decline to consider any

<sup>13</sup> Mr. Hart to Mr. Bruce, May 22nd, 1859, Corr. with Mr. Bruce, p. 7.

<sup>14</sup> Cf. chap. xvii, §§ 9, 10. He was a Mongol, prince of Korsin, and should, properly speaking, be referred to under that title; but, his personal name being as given in the text, it is thought better not to depart too far from the name Sankolinsin, by which he is designated in all the books of the period. To the British soldier he was known as "Sam Collinson."

<sup>15</sup> This limitation of the number attached to the mission would stamp it as a mission bearing tribute, as in the case of Lord Macartney and Lord Amherst. Cf. chap. iii, § 12.

<sup>16</sup> The same officials who had negotiated the tariff and rules of trade in the previous autumn.

<sup>17</sup> Kweiliang, etc., to Mr. Bruce, May 27th, 28th, 1859 (received on arrival), Corr. with Mr. Bruce, pp. 10-12.

questions connected with the treaty until after the exchange of the ratifications, the limit of time for which was now approaching its end, and that "his resolution to proceed to Peking for that purpose without delay is inflexible"; and, in answer to a plea that the Chinese plenipotentiaries would take at least two months to reach Peking, he advised them to go by steamer.<sup>18</sup> The plenipotentiaries replied that they dared not adopt so novel a mode of "going to court" without express authority, but they gave an assurance that the reception of the foreign envoys would be friendly; only they begged that, on their arrival off Taku, they should "anchor their vessels of war outside the bar, and then, without much baggage, and with a moderate retinue, proceed to the capital for the exchange of the treaties."<sup>19</sup> Mr. Bruce and M. de Bourboulon refused to see the plenipotentiaries at Shanghai; but the latter, at visits exchanged with Mr. Ward, begged him to use his good offices to induce his colleagues to enter into a conference.<sup>20</sup> The American treaty mentioned no place as the place of exchange, but, as Peking was named in the other three, Mr. Ward decided that he too would proceed to Peking for that purpose.<sup>21</sup> The three ministers accordingly left Shanghai and arrived off Taku on June 20th.

§ 7. The French naval forces, except one frigate and one gunboat for the service of the minister, were absent from Chinese waters, engaged in operations against the kingdom of Annam. Admiral Sir James Hope, in command of the British squadron, had rendezvoused at Shaluitien, and left for the mouth of the Peiho on June 16th with a force which, in the end, comprised one ship of the line, two frigates, and thirteen gunboats; the last alone were available to enter the river, or even to get within gunshot of the forts guarding the

<sup>18</sup> Mr. Bruce to Kweiliang, etc., June 8th, 11th, 1859, Corr. with Mr. Bruce, pp. 13, 14; M. de Bourboulon to Kweiliang, Cordier, op. cit., p. 55.

<sup>19</sup> Kweiliang, etc., to Mr. Bruce, June 12th, 1859, Corr. with Mr. Bruce, p. 15; to M. de Bourboulon, Cordier, op. cit., p. 58.

<sup>20</sup> W. A. P. Martin, "A Cycle of Cathay," p. 190.

<sup>21</sup> J. W. Foster ("Am. Dip. Orient," p. 246) says: "As the treaties were at Peking and the time within which the American treaty was to be exchanged was about to expire, Mr. Ward was forced to comply with the commissioners' request." Mr. Ward also wrote to the secretary of state: "I arrived here [Taku] with the English and French ministers, not as an ally, but because the Chinese commissioners insisted on my coming with them."—J. W. Foster, op. cit., p. 248.

entrance. Admiral Hope's first duty was to announce in advance the coming of the British and French ministers. Arriving at the entrance to the river, he was not allowed to land, being forbidden "by the armed rabble on the bank"; asking to see the authorities, he was informed that "there was no authority, civil or military, on the spot, that the river had been barred against the rebels by the people at their own expense, and that the garrison consisted of militia only." The whole force arrived off the Peiho on June 18th, and on the 20th Admiral Hope went in to see whether steps had been taken to open a passage for the ministers, and to ask that a market for provisions be opened. "The same rabble came down to the bank and opposed the landing; they again denied the presence of any authority, and asserted that they were militia, acting on their own responsibility." There were no flags on the forts,<sup>22</sup> and no soldier was visible during the time the squadron was lying there.<sup>23</sup>

§ 8. Mr. Bruce and M. de Bourboulon came to the decision that ample warning of their intended coming had been given to the Chinese authorities, in communications from themselves to the plenipotentiaries at Shanghai, and from the latter to the officials at Tientsin and at Peking; that, to produce an impression on the court of Peking, they must go to Tientsin, and go there with "the moral support we should have acquired from the presence of our flags there"; and that, if necessary, the way must be opened, the more especially that it was believed that "on the Mongol prince in charge of the works the hopes of the war party repose, and if he is defeated in his attempt to keep us out of the river, pacific counsels will prevail."<sup>24</sup> Mr. Bruce accordingly, on June 21st, instructed Admiral Hope that the matter was now placed in his hands, and he was to clear away the obstructions in the river, so as to allow the ministers to proceed to Tientsin; in this he was also to act in M. de Bourboulon's name. On the 24th Mr. Ward went in the chartered steamer *Toeywan*, flying the American flag, to claim a passage through the barrier and up to Tientsin, basing his

<sup>22</sup> Ordinarily there would be huge banners, at least one for every ten soldiers.

<sup>23</sup> Mr. Bruce to Lord Malmesbury, July 5th, 1859, Corr. with Mr. Bruce, p. 16.

<sup>24</sup> *Ibid.*

claim on his position as a neutral; but unfortunately the steamer ran ashore before reaching the landing-place. The minister then sent his interpreters<sup>25</sup> to the jetty, where they "were met by a dozen or more miserably dressed fellows, who had come from the fort for that purpose," and among them were two whose speech betrayed them as being officers; these told the interpreters that the way up the Peiho to Tientsin was barred, but that the viceroy of Chihli, Hengfu, was at Peitang, ten miles up the coast, waiting to receive the minister there.<sup>26</sup> On the morning of June 25th, Mr. Bruce received a communication from the viceroy, dated the 23rd, informing him that the writer was waiting to receive him at Peitang, which was to be disgarnished of all defences, and from which place the minister would be conducted to Peking; there Kweiliang and Hwashana would soon be in waiting to receive him and to effect the exchange of ratifications.<sup>27</sup> This, apart from other considerations, was received too late to affect the operations then already entered upon.

§ 9. Admiral Hope had sent an ultimatum on shore on June 24th, and at 10 a.m. on the 25th he moved to the attack. The obstacles to be encountered consisted, first of a row of iron stakes right across the fairway; inside that a heavy chain so placed as to leave a passage directly under the guns of the batteries on the south bank; inside that a heavy boom across the fairway; inside that again, between the upper south fort and the lower north fort, solid rafts from either shore, echeloned and almost meeting; and behind all the great north and south forts. At first, while the men were engaged in removing the outermost obstruction of iron stakes, the Chinese paid no attention and the forts seemed deserted. The barrier having been opened with some difficulty, the gunboats moved up, and about 3 p.m. the landing parties were formed, consisting of 600 marines and men of a company of engineers intended to serve as Mr. Bruce's escort. These attempted to land, but, the tide having fallen, the soft deep mud presented too great an obstacle,

<sup>25</sup> Dr. S. Wells Williams and Mr. W. A. P. Martin again accompanied the American mission as interpreters.

<sup>26</sup> S. W. Williams, "Middle Kingdom," ii, p. 665.

<sup>27</sup> Hengfu to Mr. Bruce, June 23rd, 1859, Corr. with Mr. Bruce, p. 20. In this despatch the name of the queen was placed on a lower level than that of the emperor, a direct assertion of superiority, or even of suzerainty, for the latter.

and they failed. During this time the forts and gunboats were sharply engaged, and, to the surprise of all, the forts had the better, their artillery practice being excellent, so good, in fact, as to show careful measurement of the range, and the loss to the English was heavy. Six of the gunboats were rendered incapable of action, four of them being sunk, 25 sailors and 64 marines were killed and 93 sailors and 252 marines wounded, the total being 434, including over half of the landing force. Among the severely wounded was Admiral Hope. A small French force from the frigate *Du Chayla* also took part in the engagement. But slight impression seemed to have been produced on the forts, the obstacles remaining intact; and the prestige of British arms suffered a serious blow, while the credit of the war party among the Chinese was now fully established.

§ 10. When, during the engagement, the news of Admiral Hope's wound reached Commodore Tatnall of the American frigate *Powhatan*, then on board the steamer *Toeywan*, he at once took his gig and went "not to assist him in the fight, but to give his sympathy to a wounded brother officer whom he saw about to suffer a most mortifying and unexpected defeat."<sup>28</sup> He thus came under the hot fire of the batteries, and while on the way his coxswain was killed at his side. It is said that his gig's crew took a turn at the guns on the gunboat on which Admiral Hope then was. Later he ordered the *Toeywan* to tow into action several launches filled with English marines, struggling against the strong tide to the relief of their comrades, who were dropping by scores in the viscid mud of the Peiho; and he supported his act by the ejaculation which went ringing around the world—"Blood is thicker than water." A thoroughly sailor-like, and exceedingly undiplomatic action, calculated to embarrass Mr. Ward's position seriously. Having been invited to land at Peitang, instead of Taku, Mr. Ward proceeded there, and was received by the Viceroy Hengfu with proper respect, and preparations were made for his journey to Peking.<sup>29</sup>

§ 11. Mr. Ward left Peitang on July 20th with the members of his legation, and the party was conveyed in carts<sup>30</sup> to

<sup>28</sup> Mr. Ward to Sec. of State, in J. W. Foster, "Am. Dip. Orient," p. 247.

<sup>29</sup> W. A. P. Martin, "A Cycle of Cathay," pp. 192, 194; S. W. Williams, "Middle Kingdom," ii, p. 668; J. W. Foster, "Am. Dip. Orient," pp. 247-249.

<sup>30</sup> To send a friendly mission in the bone-breaking springless carts of the country certainly showed a want of respect for its dignity, but it can hardly



Peitsang, about ten miles above Tientsin on the Peiho; thence they were taken by boat to Tungchow, and thence by cart to the quarters prepared for them in Peking, where they arrived on the 28th. There they found the Russian legation already installed, General Ignatieff having arrived and exchanged ratifications at the end of May; but during their stay the members of the two legations were not allowed to see each other, nor were any communications permitted to pass. Mr. Ward and his suite were, in fact, prisoners at large,<sup>31</sup> permitted to walk out, but not to have horses in this city of magnificent dimensions, and allowed to walk even only after a vigorous remonstrance from the American minister. An audience with the emperor, for the purpose of delivering the president's letter, was arranged, and Mr. Ward received assurances that the kotow would be skilfully evaded; but at the last moment, when about to start for the palace, he was informed, as happened to Lord Amherst, that the kotow was essential, and he abandoned the audience. The next day came an Imperial mandate ordering the legation to quit Peking and to exchange the ratifications with the Viceroy Hengfu; Mr. Ward accordingly left Peking on August 12th and exchanged the ratifications at Peitang on the 16th.<sup>32</sup>

§ 12. China had thrown down the gauntlet. Her officials must, however, be acquitted of the charge of treachery so often brought against them for their action on this occasion; they had given notice that passage up the Peiho would not be allowed, the obstructions blocking the passage were plainly visible, armed forts guarded the obstructions, and resistance by force must have been expected.<sup>33</sup> They acted, however, in a pecu-

be taken by itself as a direct insult, as has been represented. Carts are the usual mode of conveyance in the north, as chairs in the south, and chairs have crept into Peking only in the last dozen years; there even princes of the blood use carts.

<sup>31</sup> "We were lodged in a well-furnished house and luxuriously fed, but we were guarded like criminals. . . . When a party of Russians, Ignatieff among them no doubt, came to our door in the city, they were rudely repelled by our guards, and not even a visiting-card was allowed to come in."—W. A. P. Martin, "A Cycle of Cathay," p. 199.

<sup>32</sup> S. W. Williams, "Middle Kingdom," ii, pp. 668 seq.; S. W. Williams, *Diary in Journal North-China Branch Royal Asiatic Society*, 1859; W. A. P. Martin, "A Cycle of Cathay," pp. 195 seq.; J. W. Foster, "Am. Dip. Orient," pp. 249 seq.; account in *North-China Herald*, Aug. 22nd, 1859; Mr. Bruce to Lord J. Russell, Sept. 3rd, 1859, Corr. with Mr. Bruce, p. 47.

<sup>33</sup> "The English admiral knew for days and days that the forts were armed, and that the passage of the river was obstructed. . . . Some of the English officers who were actually engaged in the attempt of Admiral Hope

liarly Chinese way, which should have deceived no one for a moment, and which shows a certain childlike astuteness, in having no responsible officials on the spot, and in attempting to make the outbreak appear to be the spontaneous act of the aroused and angry people, which could be disavowed if unsuccessful, while the advantages could be accepted if successful. Credat Judaeus Apella that so important an act, in preparation for so long a time, and based on an Imperial fortress, should not have had the full support of the government from the emperor down. In fact, what had happened was what has happened at the close of every contention between China and a foreign power—that, after the government as a whole had been dealt with, the war party, irreconcilable and refusing to accept the arbitrament of war as final, has still to be dealt with. The treaty ending the war has, on each occasion, been merely a step towards the ultimate settlement—the basis for further discussion, as exemplified in Kweiliang's plea that the treaties of 1858 had been "extorted under military pressure."<sup>34</sup> In the British treaty so extorted were three stipulations particularly obnoxious to the court of Peking—the residence of foreign envoys in the capital, the opening of the Yangtze to foreign trade, and the right to buy Chinese produce in the interior—and all that preceded the rupture at Taku goes to show that the Chinese government was resolved to reopen the discussion on these three points before the exchange of ratifications of the one treaty, the British, which provided for them. For this step the time seemed propitious. It was by no means clear that the force employed in 1858 could have accomplished the results obtained, if the Chinese had offered military resistance; the Taiping cause in 1859 was at its lowest ebb, the Imperialists having recaptured city after city, and the Taiping garrisons holding, in the spring of 1859, but little outside Nanking and Anking, while the siege of the former city was maintained with greater vigour; and the hero, whose Mongol horsemen had in 1854 driven back the Taiping army of the north and saved Peking, Sengkolintsin, prince of Korsin, now again came to the rescue

frankly repudiated the idea of any treachery on the part of the Chinese, or any surprise on their own side. They knew perfectly well, they said, that the forts were about to resist the attempt to force a way for the envoys up the river."—Justin McCarthy, "A History of Our Own Times," iii, p. 266.

<sup>34</sup> Cf. chap. xxii, § 21.

of the capital and undertook to drive the English barbarians into the sea. Under these conditions the war party was given its chance, and the Imperial government reopened hostilities at Taku.

§ 13. Of the foreign envoys, General Ignatieff went by way of Kiakhtha, the route by which the Chinese court preferred that Russian missions should come; and, so far as we know, he exchanged the ratifications of his innocuous treaty without much ceremonial. Mr. Ward acted, on the whole, in accordance with the interests of his country. He was instructed, under the most-favoured-nation clause, to demand the exchange at Peking, as provided in the other three treaties,<sup>25</sup> and the Chinese commissioners at Shanghai requested him to accompany the English and French envoys north for that purpose; he went, on June 24th, towards Taku to request that the passage be opened, to allow him to proceed for the purpose of his mission, and met with a refusal; and, when he was asked to land at Peitang and to proceed thence to Peking, he saw no good reason for objecting. His one purpose was to present the president's letter and to effect the exchange of ratifications; and he had neither authority nor force to compel a passage by Taku. From the time of his leaving Peitang to his return there, the history of his mission was a repetition of that of the Amherst mission, and his conduct under the conditions imposed was no less dignified than that of Lord Amherst. As to the exchange of ratifications, he might have pleaded the precedent of the Russians; but he found the British and French treaties in fact denounced, and decided to act on the provision of his own treaty and to effect the exchange at Peitang. M. de Bourboulon did little more than say ditto to Mr. Bruce; but he could hardly have acted otherwise, the French forces being occupied in Annam, while, on the other hand, his cause and that of Mr. Bruce were identical, except only for the fact that the obnoxious stipulations were contained in the British treaty alone.

§ 14. Mr. Bruce was in a position of great difficulty. The Chinese ratification to the treaty had been obtained, and only after its exhibition was the military pressure removed by Lord Elgin,<sup>26</sup> and all that remained to be done was to obtain the

<sup>25</sup> J. W. Foster, "Am. Dip. Orient," p. 245.

<sup>26</sup> Cf. chap. xxii, § 16.

British ratification, whereupon the exchange of the two should have been a purely automatic proceeding. When, therefore, the Chinese plenipotentiaries took steps tending to reopen negotiation on certain stipulations of the treaty, Mr. Bruce was quite within his right in refusing to consider any questions prior to the exchange, by which act the treaty would become operative. He was assured by the plenipotentiaries at Shanghai that, when he proceeded north, he would be suitably received at Peking; he was not informed that the Taku route was barred, though that must have been known to them, and was only requested to leave his naval force outside. After coming to Taku and finding the passage blocked, the request that he should land at Peitang and proceed to Peking from that point, leaving Tientsin to one side, was received by him at 9 a.m. on June 25th. Had the request been one to solve all difficulties, and had he been desirous of acceding to it, he was on the big ships outside the bar, eight or nine miles distant from Admiral Hope, who was superintending the preparations for the attack, which was to begin at 10 a.m.; and could hardly be able to modify his previous decision to force a passage. In fact, however, he was precluded by his instructions from going by way of Peitang; they clearly prescribed the procedure "at the mouth of the Peiho, at Tientsin, and for your journey from that place to Peking," and further informed him that the admiral was "directed to send up with you to the mouth of the Peiho a sufficient naval force," and declared it advisable that he should reach Tientsin in a British ship of war.<sup>37</sup> The cabinet had in fact foreseen the possibility of a collision, at Taku or elsewhere, and had instructed him "firmly but temperately to resist any propositions" designed to prevent him proceeding to Peking.<sup>38</sup> The only question regarding Mr. Bruce's conduct is whether he was right in ordering the operations which resulted in so unexpected a blow to English prestige. He and Admiral Hope had committed the same fault as Sir J. Bowring and Admiral Seymour in October 1856, at Canton, in underestimating their enemy; they had advanced, only to be compelled to withdraw; and the confidence of the

<sup>37</sup> Lord Malmesbury to Mr. Bruce, March 1st, 1859, Corr. with Mr. Bruce, p. 1.

<sup>38</sup> Ibid.

Chinese court was thereby greatly increased.<sup>39</sup> But no other course was open to them. They had at their disposal a force not much smaller than that of Lord Elgin and Baron Gros, and to have withdrawn before difficulties no greater than had confronted their predecessors, without even making an attempt to overcome them, would have been a line of conduct not to be expected from any servant of the state, whether in diplomacy or in its armed forces. Even had Mr. Bruce withdrawn before the menace, he would only have increased his diplomatic difficulty, apart from the additional confidence to be given to the Chinese. Further war was necessary before China could be brought to understand the situation; as it was, it would be fought on the questions of the insult to the flag and to an envoy, and on "the treaty, the whole treaty, and nothing but the treaty"; without the action of the Taku forts, the question would have been narrowed to the three stipulations to which the Chinese especially objected, and on which they occupied at least discussable ground.

§ 15. On July 1st Admiral Hope informed Mr. Bruce that "the means at my disposal have proved insufficient to remove the obstacles opposed to your entry at the mouth of the Peiho, and that they are of so formidable a nature that any further operations cannot lead to successful result."<sup>40</sup> On this confession of naval weakness, nothing remained to the two envoys but to return to Shanghai. Here they both adopted a quiescent attitude, such as not to compromise their respective governments, or to force on them any particular solution of the question—peace or war. On the part of the Chinese there was no apparent disposition to treat the occurrences at Taku as a reason for extending the war elsewhere. Canton did not, as in 1858, adopt an attitude of calculated hostility to the allied occupation of the city, but remained quiet, though it was feared that events in the north might stir up the south,

<sup>39</sup> Mr. Ward found at Peking a much greater feeling of confidence and exultation than on the coast, where the result of the action at Taku was regarded with some apprehension for what the future might bring.

"I beg to draw your lordship's attention to Mr. Ward's observation on the tone of confidence prevailing at Peking. . . . Even Kweiliang and his colleagues adopted a curt manner and imperious tone."—Mr. Bruce to Lord J. Russell, Sept. 3rd, 1859, Corr. with Mr. Bruce, p. 47.

<sup>40</sup> Adm. Sir J. Hope to Mr. Bruce, July 1st, 1859, Corr. with Mr. Bruce, p. 20.

and some reinforcement for the garrison at Hongkong was obtained from India.<sup>41</sup> At Shanghai the people were more concerned with a renewed outbreak by the Taiping forces from Nanking than with any supposed wrongs at the hands of the foreigners, and, in fact, looked to those foreigners for protection from the savagery of those rebels. The viceroy, Ho Kwei-tsing, who was now also High Commissioner for Foreign Affairs, wrote<sup>42</sup> to M. de Bourboulon, but not to Mr. Bruce, treating the action at Taku as an "untoward accident which ought not to have occurred," implying that the envoys should have gone to Peitang, and urging them both to return north and exchange the ratifications as Mr. Ward had done. M. de Bourboulon replied<sup>43</sup> that both envoys had reported to their respective governments and would now await further instructions. Correspondence with Mr. Bruce to the same effect followed a half-month later.<sup>44</sup>

§ 16. The action at Taku coincided in point of time with the Franco-Sardinian war against Austria, in which British diplomatic action was somewhat opposed to French interests, and with a change of government in England, the administration under Lord Derby being succeeded by that of Lord Palmerston, with Lord John Russell as Foreign Secretary. The European situation, however, caused no change in the policy to be pursued by the allies in China, and the return of Lord Palmerston to power ensured that that policy should have in it an element of vigour. Lord John Russell's first care was to localise the conflict, and he was fully in accord with the people of the south and of mid-China in instructing Mr. Bruce that "there are no reasons for interrupting friendly relations with the Chinese at Shanghai, Canton, and elsewhere."<sup>45</sup> Even before this he had assured Mr. Bruce of the undiminished confidence reposed in him,<sup>46</sup> and this assurance was repeated in informing him of the reappointment of Lord

<sup>41</sup> Gen. Sir C. van Straubenzee to Mr. Bruce, July 22nd, 1859; Mr. Bruce to Lord Canning, July 31st, 1859, Further corr. with Mr. Bruce, pp. 1, 3.

<sup>42</sup> Ho Kwei-tsing to M. de Bourboulon, July 18th, 1859, Corr. with Mr. Bruce, p. 40; Cordier, *op. cit.*, p. 95.

<sup>43</sup> M. de Bourboulon to Ho Kwei-tsing, July 23rd, 1859. Cordier, *op. cit.*, p. 96.

<sup>44</sup> Corr. with Mr. Bruce, pp. 42, 43.

<sup>45</sup> Lord J. Russell to Mr. Bruce, Oct. 10th, 1859, *ibid.*, p. 41.

<sup>46</sup> Lord J. Russell to Mr. Bruce, Sept. 26th, 1859, *ibid.*, p. 39.

Elgin as special ambassador.<sup>47</sup> As regards the situation in the north Mr. Bruce was instructed that, if pacific overtures were made by the Chinese, he might go in a British vessel up the Peiho to Tientsin, and thence to Peking, for the exchange of ratifications; but that, if any difficulty occurred, or if his reception was in any way unbecoming to the representative of a sovereign power, he was to place matters in the hands of the naval authorities. If no such overtures were made, he was to address the "prime minister of the emperor" demanding the most ample apology for the "prepared ambuscade" at Taku, and stating that a large pecuniary indemnity would be required. He was further informed that a "considerable military force" would be despatched with the change of the monsoon in the spring.<sup>48</sup> The French government was less prompt in its action, and, as M. de Bourboulon did not receive corresponding instructions, Mr. Bruce did not at once write to the "prime minister" in the sense indicated,<sup>49</sup> and the delay was approved.<sup>50</sup>

§ 17. The French government decided to continue its joint action with the British in China, and the two together agreed to send special ambassadors, accompanied by a considerable military force. M. de Bourboulon then received his instructions in conformity with those of Mr. Bruce, and on March 8th the two envoys addressed the senior secretary of state and the grand council, reviewing the occurrences of the past year and requiring "an immediate and unconditional acceptance" of four conditions: "an ample and satisfactory apology" for the action of the Taku forts; the exchange of ratifications at Peking, the envoys going to Tientsin in national ships for that purpose; full effect to be given to the treaties of Tientsin, especially as to payment of indemnities; and a further indemnity for the later occurrences.<sup>51</sup> In order to avoid the possibility of delay through a refusal to receive these communications at Taku, they were sent through Viceroy Ho, who transmitted them under cover of a memorial in which he

<sup>47</sup> Lord J. Russell to Mr. Bruce, Feb. 27th, 1860, *Corr. resp. affairs in China, 1859-1860*, p. 12.

<sup>48</sup> Lord J. Russell to Mr. Bruce, Oct. 29th, Nov. 10th, 1859, *ibid.*, pp. 1, 2.

<sup>49</sup> Mr. Bruce to Lord J. Russell, Jan. 6th, 1860, *ibid.*, p. 12.

<sup>50</sup> Lord J. Russell to Mr. Bruce, Feb. 28th, 1860, *ibid.*, p. 26.

<sup>51</sup> *Corr. resp. China, 1859-1860*, p. 34; Cordier, *op. cit.*, p. 158.

"commented on them with a singular mixture of simplicity and shrewdness."<sup>52</sup> In due course, on April 5th, the viceroy transmitted the reply of the grand council,<sup>53</sup> addressed, not to the envoys, but to the viceroy as High Commissioner. This reply may be characterised as puerile and inappreciative of the magnitude of the issue, or as emanating from a consciousness of right and the certitude of victory, according to the spirit in which it is read; on analysis it was an absolute rejection of the ultimatum presented by the envoys, and a suggestion that they should come north, as Mr. Ward had done, without ships of war and with a moderate retinue; but it contained an instruction to the viceroy that, before the envoys came north, he was to negotiate for compromise or modification in certain stipulations of the treaties.

<sup>52</sup> Lord Elgin to Lord J. Russell, Aug. 25th, 1860, transmitting translation of memorial by Ho Kwei-tsing, found at Sinho on its capture, Aug. 12th, Corr. resp. China, 1859-1860, p. 115.

<sup>53</sup> Corr. resp. China, 1859-1860, p. 42; Cordier, op. cit., p. 162.



## CHAPTER XXVI

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§ 1. THE allied governments notified to the Western powers, on June 26th, 1860, that a state of war with China existed, and that they intended to adhere to the declaration of Paris of 1856.<sup>1</sup> The British government appointed Lord Elgin ambassador-extraordinary, and General Sir J. Hope Grant in command of the land forces, while Admiral Sir James Hope remained in command of the fleet; for France Baron Gros was ambassador, General Montauban in command of the land forces, and Admiral Charner, succeeding to Admiral Page, in command of the naval forces. Lord Elgin and Baron Gros travelled together by P. & O. steamer, and had the uncomfortable experience of being wrecked together in the harbour of Point de Galle, losing all their effects, even to their letters of credence, and they reached Hongkong on June 21st, and Shanghai on the 29th and 28th respectively. Lord Elgin's first act was to summon to his side Mr. H. S. Parkes, notwithstanding "the great importance of the office which you fill at Canton";<sup>2</sup> he and Mr. T. F. Wade, two men of marked ability and with a good knowledge of Chinese, were the interpreters to the expedition. The Baron de Méritens and the Abbé Delamarre served as interpreters for the French mission. The two ambassadors pushed on to the north, and joined their respective forces, which, after occupying Chusan on April 21st, had concentrated during the month of June, the English at Talienwan,<sup>3</sup> the French at Chefoo, at which places Lord Elgin arrived on July 9th and Baron Gros on July 11th. The English land forces in China numbered 18,211 of all ranks, of whom, on July 11th, there were at Talienwan 11,817, and in garrison at Hongkong, Canton, Chusan, and Shanghai 6894; the force available for the advance to Peking numbered about 10,500 effectives,<sup>4</sup> and was accompanied by a Cantonese coolie transport corps 2500 strong. The English fleet at Talienwan included 7 frigates and 34 effective vessels of smaller size, mounting in all 361 guns, and 143 transports. The French force at Chefoo numbered 7000 in all, and, as they had no share in the burden of garrisons, except at Shanghai and a small force at

<sup>1</sup> Corr. resp. China, 1859-1860, pp. 55 seq.

<sup>2</sup> Lord Elgin to Mr. Parkes, June 30th, 1860, Corr. resp. China, 1859-1860, p. 78.

<sup>3</sup> In 1898 Dalny, in 1905 Dairen.

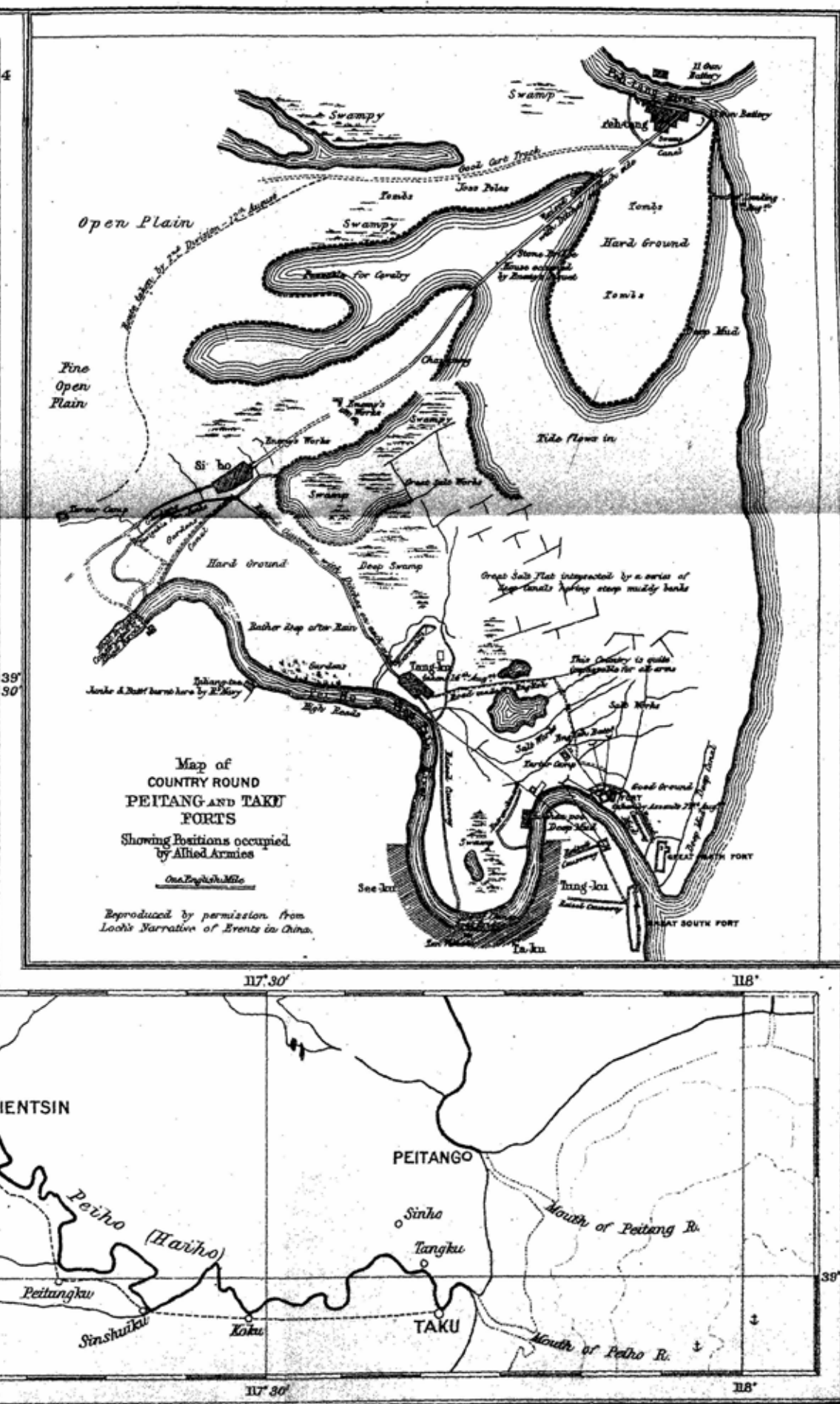
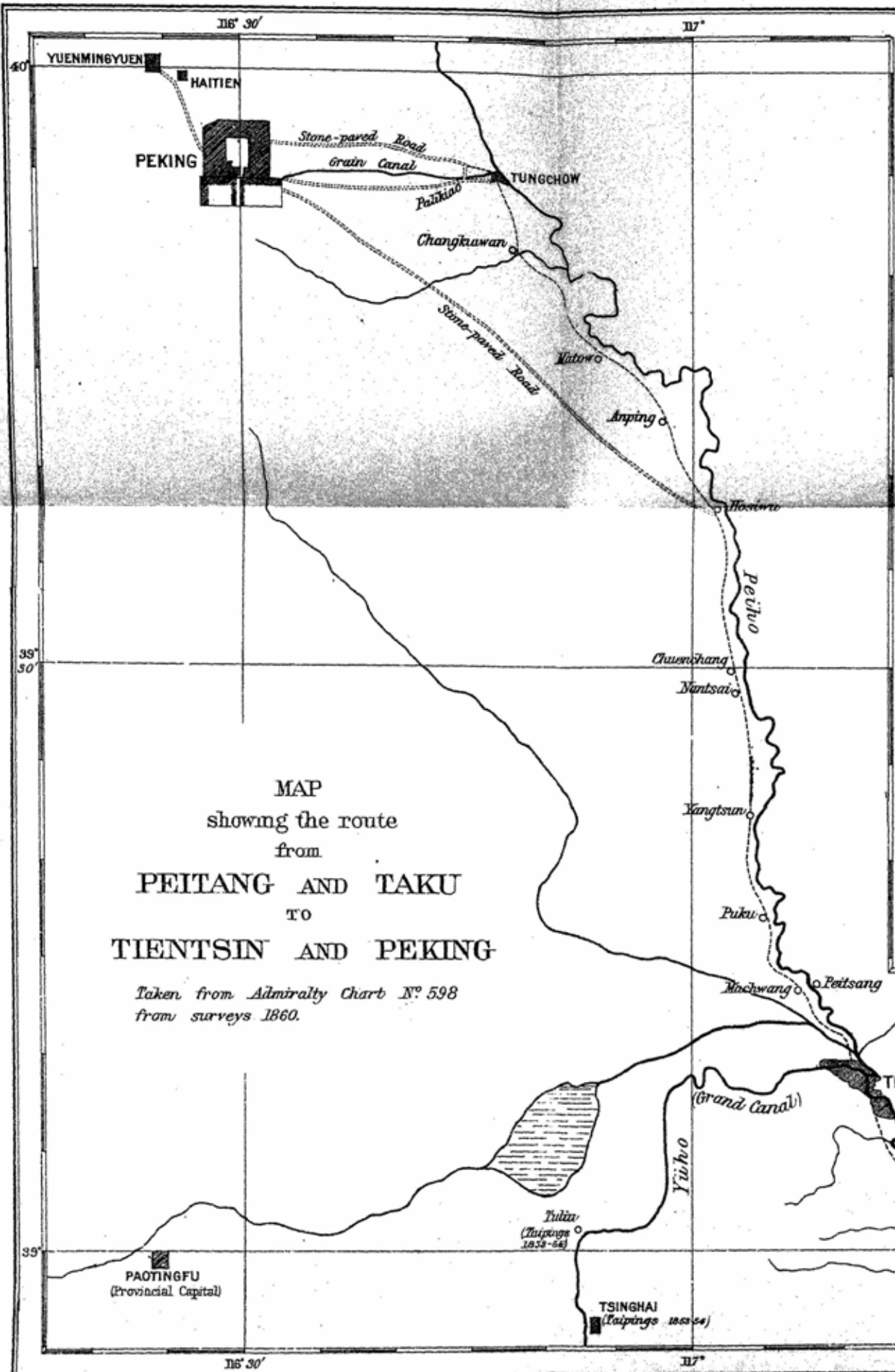
<sup>4</sup> Morning state, July 11th, 1860, Corr. resp. China, 1859-1860, p. 83.

Chefoo, the force available for Peking amounted to 6300 effectives.<sup>5</sup> The allied forces sailed again from Talienwan and Chefoo on July 26th, rendezvoused at Shaluitien, and thence proceeded to Peitang on the 30th.

§ 2. While England and France were thus coming into armed conflict with China in the north, at Shanghai the Chinese authorities were appealing to the English and French for protection. For ten years the Taiping movement had held its own against the arms of the Manchu dynasty; for seven years its forces had occupied the ancient capital of the empire, and, during all except the last year, had ravaged and dominated the country on both sides of the Yangtze from Hankow down to Chinkiang; but, during those seven years, Nanking had been besieged, more or less nominally, by the Imperial troops, and during the last year the Taipings had lost all their holdings except the cities of Nanking and Anking. The rebellion was in fact hemmed in, deprived of fresh ground to plunder, and its forces were at the last extremity for supplies of food and warlike material. In 1860, however, while the empire was engaged in the conflict with England and France, there were fresh irruptions of rebels, one from Fukien northward into Chekiang, the other of the troops beleaguered in Nanking eastward into the rich and hitherto undevastated country around Soochow and Shanghai. Strategic reasons doubtless accounted somewhat for the latter movement, though in the past the Taiping leaders had shown but little strategic wisdom; still the suggestion that they should utilise the difficulties of the empire may well have come from foreign sympathisers, attracted, some by the pseudo-Christianity underlying the origin of the movement, others by the opportunity of finding a good market for arms, steamers, and food. A quite sufficient reason is found, however, in the difficulty in introducing supplies into Nanking, and the state of destitution to which its garrison was reduced, which made a swarming from the hive a necessity; and the outbreak was turned into a success through the military genius of its leader, the Chung Wang—the Loyal Prince.<sup>6</sup> The Taiping forces captured Hangchow on March 19th, held it for six days, and

<sup>5</sup> Cordier, "Expédition de Chine, 1860," p. 141; Col. Foley to Lord J. Russell, July 23rd, 1860, Corr. resp. China, 1859-1860, p. 93.

<sup>6</sup> Cf. chap. xvii, § 13.





then withdrew, leaving behind them in the city seventy thousand corpses of its Manchu garrison and its civil population. The final irruption from Nanking broke out on May 3rd, and followed the line of the Grand Canal, driving the Imperial troops everywhere before it, with the loss of all their guns, stores, and equipment; Chinkiang, Tanyang, and Changchow were taken in succession, the refugees flying for safety to Soochow; and this city was taken on June 2nd. In July Ho Kwei-ting, the titular Nanking viceroy, was degraded and ordered to Peking for punishment, being succeeded by Tseng Kwo-fan. In June Frederick T. Ward, with H. A. Burgevine as his lieutenant, organised the force subsequently known as "The Ever-Victorious Army."

§ 3. On May 23rd the Shanghai Taotai called on the British and French consuls in order to request officially that the allied forces should undertake the protection of Shanghai against the Taiping rebels, who had then captured Changchow. This was referred to the two envoys, who, with the knowledge of the atrocities committed at Hangchow, issued a proclamation undertaking to protect the city and foreign settlements against any attack.<sup>7</sup> General Montauban, then in Shanghai, was inclined to go further, and proposed to move 1500 French troops, if the English would add 400, for the protection of Soochow; but the movement appeared to the envoys to be unsafe and, in view of the situation in the north, impolitic.<sup>8</sup> After the fall of Soochow the viceroy, Ho Kwei-ting, came to Shanghai and, on June 9th, had a conference with Mr. Bruce for the twofold purpose, "in virtue of a special commission, to attempt an accommodation of our differences with the Imperial government; and to move us to apply our force to the pacification of this province, in the welfare of which we had a commercial interest, and the population of which had been so long on friendly terms with us."<sup>9</sup> The viceroy subsequently saw M. Kleczkowski, on behalf of M. de Bourboulon, as well; but from neither envoy did he obtain any further satisfaction.

§ 4. In May Mr. Bruce was of opinion that "the rebels will not advance on Shanghai when they hear of our determina-

<sup>7</sup> Mr. Bruce to Lord J. Russell, May 30th, 1860, *Corr. resp. China, 1859-1860*, p. 60.

<sup>8</sup> Mr. Bruce to Lord J. Russell, June 10th, 1860, *ibid.*, p. 65.

<sup>9</sup> Mr. Bruce to Lord J. Russell, June 12th, 1860, *ibid.*, p. 68.

tion to protect it ; it is not their policy to involve themselves in difficulties with foreign powers."<sup>10</sup> From whatever motive, they left the place alone for over two months after the capture of Soochow, but at the end of July it became known that they had resolved to obtain "possession of Shanghai and the access thus given to foreign supplies."<sup>11</sup> By the middle of August the Taiping forces, invited by foreign sympathisers in Shanghai,<sup>12</sup> approached the vicinity of the city ; and Mr. Bruce and M. de Bourboulon, impressed by the "merciless character of their proceedings,"<sup>13</sup> agreed that it was "desirable to state distinctly the intentions of the allies before they approached nearer." A letter was accordingly sent by the hand of Mr. R. J. Forrest to meet their advance, informing them that Shanghai would be defended as a purely military measure, since the port served as an intermediate base for the troops in the north, and disclaiming any political motives.<sup>14</sup> On August 18th the flames of many burning villages were seen to the west, and the Taiping army occupied the Jesuit mission premises at Sikawei, six miles from the river side of Shanghai, but only about three miles from the west gate of the city. Driving the Imperial troops before them they advanced at once to the attack of the west and south gates, from which, after many determined assaults, they were repulsed by the troops (chiefly British marines, Sikhs, and Madras artillery) defending the city. They maintained their position before the city, continually sniping, and approached the settlements to the north, during the 19th and 20th ; but on the 21st, the day on which the allied forces in the north captured the Taku forts, the allied forces at Shanghai drove back the enemies of the dynasty, and they retired to Sikawei ; from this place they withdrew on the 23rd, and Shanghai was not again molested during that year. The attacking force was described as a body of "desperate-looking fellows, badly clad and armed, but rendering implicit

<sup>10</sup> Mr. Bruce to Lord J. Russell, May 30th, 1860, *Corr. resp. China*, 1859-1860, p. 60.

<sup>11</sup> Mr. Bruce to Lord J. Russell, Aug. 1st, 1860, *ibid.*, p. 91.

<sup>12</sup> Maclellan, "The Story of Shanghai," p. 49 ; Mr. Bruce to Lord J. Russell, Sept. 4th, 1860, *Corr. resp. China*, 1859-1860, p. 129. Cf. *antea* § 2.

<sup>13</sup> "Two gentleman who came down the river yesterday from the silk districts describe it above Sungkiang as full of corpses ; most of them had their arms tied behind them, and their throats cut, showing that they had been murdered in cold blood."—Mr. Bruce to Lord J. Russell, Aug. 17th, 1860, *Corr. resp. China*, 1859-1860, p. 101.

<sup>14</sup> *Ibid.*

obedience to their leaders."<sup>15</sup> On September 20th, two days after the action of Changkiawan on the way to Peking, and the treacherous seizure of Mr. Parkes, Mr. Bruce reported renewed requests from the Chinese authorities for the aid of the allied forces.<sup>16</sup>

§ 5. The allied forces landed at Peitang on August 1st without opposition, and a reconnoitring party first struck the enemy on the 3rd. An entrenched camp at Sinho, about six miles distant from Peitang, was taken on the 12th, after an action in which the Mongol cavalry, six or seven thousand strong, stood the artillery fire with great courage;<sup>17</sup> and Tangku was captured on the 14th. Preparations were now made to attack the north Taku forts, and on the 21st, after a stubborn resistance, the upper north fort was taken by assault; the lower north fort, taken in rear, was then shelled into surrender; and, in the afternoon, the more formidable south forts surrendered without a shot, together with their garrison of 2000 men. Upwards of 500 guns were taken, over 100 of them being of brass. The English lost 200 in killed and wounded, and the French 130; while the Chinese loss was heavy, probably not under 2000. The operations of the preceding ten days had been conducted amid much rain, but at noon of the 21st the flood-gates of heaven seemed to open, and all movement became a matter of great difficulty; the allied army pushed on, however, and entered Tientsin between August 25th and September 5th. The forward march towards Tungchow was again resumed, by the English on September 8th, and by the French on the 10th, the advanced guard reaching Hosiwu on the 13th.

§ 6. No long time elapsed after the landing at Peitang before the representatives of the Chinese government began an active fusillade of despatches. On August 6th the viceroy of Chihli, Hengfu, then at Taku, wrote to Lord Elgin to the effect that he had heard of the arrival of the ambassador to exchange the ratifications; that the use of the flag of truce on the 5th

<sup>15</sup> North-China Herald, Aug. 25th, 1860; Maclellan, op. cit., p. 48.

<sup>16</sup> Mr. Bruce to Lord J. Russell, Sept. 20th, 1860, Corr. resp. China, 1859-1860, p. 160.

<sup>17</sup> For the military events of this interesting and picturesque campaign of four months the reader is referred to the military histories, such as Swinhoe, "North-China Campaign"; Wolseley, "Story of a Soldier's Life," and "Narrative of War in China"; Fisher, "Personal Narrative"; Pallu, "Relation"; Hope Grant, "Incidents in the China War"; etc.



indicated an amicable intention, which he fully reciprocated; that it was "altogether ridiculous to suppose that any real necessity for hostilities existed"; and that the writer was commissioned to discuss the points at issue with the ambassador and settle them; and Lord Elgin was asked to consult with Baron Gros and appoint a time for an interview. Lord Elgin replied that he did not find in the viceroy's despatch any such indication of an intention to carry out treaty obligations as to warrant him in asking the military authorities to suspend their operations; and he recommended that any communication for the information of Baron Gros be sent direct to that officer.<sup>18</sup> On August 14th, the date of the capture of Tangku, the viceroy again wrote expressing his ignorance of the motives of the allies in opening hostilities, and informing Lord Elgin that a High Commissioner had been appointed to await the ambassadors' arrival in Peking and there to open negotiations; the next day, the 15th, he again wrote, again interpreting a special use of a flag of truce as the expression of a wish for an armistice; the next day, the 16th, he again wrote stating that the High Commissioner had been ordered to proceed to Taku to negotiate, and requesting an armistice.<sup>19</sup> Lord Elgin replied that there would be no suspension of hostilities until the passage to Tientsin had been opened and sufficient assurance given of the intention of the Chinese government to concede the points which had been demanded.<sup>20</sup> On the 17th and the 18th the viceroy again wrote stating that Wantsün and Hangki<sup>21</sup> had been commissioned to proceed to Peitang for the exchange of ratifications, and asking when the ambassadors propose to start for Peking, in order that new arrangements may be made.<sup>22</sup> On the 21st an intimation to the same effect was received from the two commissioners; and on the 22nd a second communication, dated the 20th, was received, practically accepting the treaties as they stood, but reserving the conditions expressed in the ultimatum of March 8th, for consideration after the arrival of the ambassadors at Peking.<sup>23</sup> On the 21st the viceroy wrote

<sup>18</sup> Corr. resp. China, 1859-1860, pp. 98, 100.

<sup>19</sup> Ibid., p. 105.

<sup>20</sup> Ibid., p. 106.

<sup>21</sup> Formerly Hoppo at Canton.

<sup>22</sup> Corr. resp. China, 1859-1860, p. 107.

<sup>23</sup> Ibid., p. 112.

to the ambassadors again proposing an armistice and requesting them to "proceed up the river to Tientsin by the Taku entrance"; and to the allied commanders informing them that, on the fall of the north forts, the allied forces having proved their superiority, "the Chinese troops, being defeated, tendered their submission and had withdrawn from the south forts," and he proposed a suspension of hostilities.<sup>24</sup> Finally, on their arrival at Tientsin on August 25th, the ambassadors were informed of the appointment of Kweiliang and Hengfu as High Commissioners, with Hangki as their coadjutor, and they were requested to await their arrival at Tientsin.<sup>25</sup>

§ 7. Admiral Hope arrived at Tientsin on the morning of August 25th, and, finding that both garrison and guns had been withdrawn from the extensive earthworks<sup>26</sup> protecting the city, he took military occupation of it. The viceroy was summoned on board the admiral's ship and came without delay, accompanied by Wantsün and Hangki. Here, as on previous occasions at Peitang and Taku, and on later occasions on the march to Peking, Mr. Parkes was present as the representative of Lord Elgin. He enjoyed the ambassador's confidence, and, when entrusted with letters to deliver under flag of truce, was charged to make such further representations as could not well be put in writing, and to receive the replies of the Chinese official concerned.<sup>27</sup> He was generally with the advance, and served as interpreter for that body, often under circumstances involving great danger, as when, on August 20th, he and Major Graham summoned the Taku north inner fort to surrender.<sup>28</sup> He was the mouthpiece of his chief, who records that "Mr. Parkes has exhibited in the conduct of these proceedings his usual zeal,

<sup>24</sup> Corr. resp. China, 1859-1860, p. 114.

<sup>25</sup> Ibid., p. 125.

<sup>26</sup> Known to the foreign residents of Tientsin since as "Sankolinsin's Folly."

<sup>27</sup> Cf. for example Mr. Parkes' reports to Lord Elgin of Aug. 18th and 26th, 1860, in Corr. resp. China, 1859-1860, pp. 102, 126.

<sup>28</sup> Swinhoe, "North-China Campaign," p. 127; Lane-Poole, "Life of Sir H. Parkes," i, p. 362. "It is my business to be in forts directly after they are captured, to seize papers, examine prisoners, etc."—H. Parkes to his wife, Aug. 26th, Lane-Poole, "Life," i, p. 363. "I was sent to fort B to ask if it had surrendered, and was told that it had not, but had merely followed the example of the big fort on the other side. I then went to the big fort, which I reached with difficulty as I had to cross the river, and was told it had not surrendered. . . . I told him that we should recommence at 2 p.m."—Ibid., i, p. 364.

ability, and tact,"<sup>29</sup> and, whenever they met him, the Chinese officials spoke with him freely as with one who understood them, and treated him with the consideration due to an accredited envoy. This enabled him to be of great service to his country, but, as will be seen, constituted a real danger to himself. Admiral Hope and Mr. Parkes informed the viceroy on August 25th that Tientsin was in the military occupation of the allied forces, but that the civil authorities would be left in office as at Canton; the viceroy urged that he should be considered the supreme authority, but without avail. Mr. Parkes was then asked by the admiral to exercise control functions at Tientsin temporarily; and he records that he found the people quiet and the officials unobstructive, and that supplies came to market freely.<sup>30</sup>

§ 8. On August 25th Kweiliang wrote to inform the ambassadors that he was on his way with authority, conjointly with Hengfu, to arrange for the exchange of ratifications, and to open negotiations on the ultimatum. In reply he was informed that March was the time for considering the ultimatum of March; that the allied forces already held Taku and Tientsin; that hostilities would be suspended only on an undertaking to pay an indemnity increased from the amounts stipulated in the treaties of Tientsin, viz. Tls. 4,000,000 for the British and Tls. 2,000,000 for the French, to a sum of Tls. 8,000,000 for each power. Moreover, with their past experience of the inefficacy of promises, they demanded as a material guarantee the immediate opening of Tientsin to foreign trade.<sup>31</sup> The High Commissioners declared in their reply of September 2nd that all the ambassadors' conditions were accepted,<sup>32</sup> whereupon a draft convention was prepared and laid before them. These drafts were sent, the English on the 6th by the hands of Mr. Parkes and Mr. Wade, and the French on the 7th by those

<sup>29</sup> Lord Elgin to Lord J. Russell, Sept. 8th, 1860, Corr. resp. China, 1859-1860, p. 155. In his journal Lord Elgin wrote of Parkes as one "who knows not what fear is."—Walrond, "Letters," p. 356.

<sup>30</sup> Mr. Parkes to Lord Elgin, Aug. 26th, 1860, Corr. resp. China, 1859-1860, p. 126.

<sup>31</sup> Corr. resp. China, 1859-1860, p. 151; Cordier, op. cit., p. 282.

<sup>32</sup> An attempt was first made to object to the French demand of four-fold the former indemnity, while the English only asked double; but Baron Gros did the High Commissioners the favour of considering the letter as not having been written, and allowed it to be withdrawn.—Cordier, op. cit., p. 287.

of M. de Bastard with the interpreters, M. de Méritens and Abbé Delamarre. The English agents ascertained at their conference that the powers given to the High Commissioners were not adequate and were only *ad referendum*; <sup>33</sup> and this was confirmed the next day by the French agents.<sup>34</sup> On this the ambassadors broke off negotiations and stated that they would not again receive overtures of any sort until their arrival at Tungchow; and to this decision they adhered, notwithstanding the repeated entreaties of the Chinese representatives.<sup>35</sup>

§ 9. The ambassadors accompanied the army on the march from Tientsin to Tungchow, and the next attempt to delay their advance met them on September 11th at Yangtsun, twenty miles from Tientsin; there a despatch was received from Tsaiyuen, Imperial Prince of Yi, and Muyin, president of the Board of War, communicating their appointment as plenipotentiaries; stating that Kweiliang and his colleagues had acted on the letter, and not the spirit, of their instructions, and so created a difficulty; and requesting the ambassadors to save themselves the fatigue of a journey to Tungchow, and withdraw, with their armed forces, to Tientsin, there to negotiate a treaty for the settlement of all questions. The ambassadors replied announcing their adhesion to their declared intention of listening to no overtures until their arrival at Tungchow.<sup>36</sup> The plenipotentiaries seemed not to understand the purport of this reply, and to consider the tone unbecoming when addressed to dignitaries of their standing, and they wrote again, on the 11th and the 12th, expostulating against the forward march of the troops, which could only lead to a collision with the Imperial forces under Sengkolintsin; and they again requested the ambassadors to withdraw to Tientsin, there to negotiate and sign a satisfactory convention.<sup>37</sup> Finally, on the 13th, the plenipotentiaries again wrote accepting entirely the conditions which had been proposed; they asked that the allied forces should not advance beyond Hosiwu, and that the ambassadors, with a small escort unarmed, should come to Tungchow for

<sup>33</sup> Memorandum of an interview . . . Messrs. Parkes and Wade, Sept. 6th, 1860, *Corr. resp. China, 1859-1860*, p. 156.

<sup>34</sup> M. de Bastard to Baron Gros, Sept. 7th, 1860, *Cordier, op. cit.*, p. 299.

<sup>35</sup> *Corr. resp. China, 1859-1860*, p. 158; *Cordier, op. cit.*, p. 299.

<sup>36</sup> *Corr. resp. China, 1859-1860*, p. 162; *Cordier, op. cit.*, p. 308.

<sup>37</sup> *Corr. resp. China, 1859-1860*, p. 165; *Cordier, op. cit.*, p. 310.

a conference, and to settle the terms of the convention, and should then proceed to Peking to exchange the ratifications.<sup>38</sup>

§ 10. During this campaign from Peitang to Peking the diplomats, who were the ultimate deciding authority with the allies, were always hopeful of an accommodation, and neglected no opportunity which seemed to promise hopeful results; while the military authorities were sceptical on the subject and impatient of any suggestion to arrest their advance.<sup>39</sup> At this juncture Baron Gros had some doubt;<sup>40</sup> but Lord Elgin, who, at any rate up to the middle of the coming October, had always been sincerely desirous of leaving behind him no rankling sores, was more hopeful and was careful not to reject this more promising overture. First, however, he sent Mr. Parkes and Mr. Wade to have an interview with the High Commissioners at Tungchow, and, if possible, to ascertain their real intentions. Arriving there at noon on September 14th, they were well received—"both were extremely polite, the prince especially, and without condescension or affectation." The draft convention was taken into consideration, and in the end it was accepted in its entirety. Then came a discussion on Lord Elgin's intended modifications in the proposals of the 13th: instead of taking a "small escort unarmed," he intended to be accompanied by an armed escort of a thousand men (Baron Gros also taking the same number); and instead of arresting the march of the troops at Hosiwu, he proposed that they should not advance beyond a point five li (about a mile and a half) south, i.e. on the near side, of Changkiawan, a town about fifteen miles beyond Hosiwu, and four miles south of Tungchow. To these modifications the High Commissioners offered a long and strenuous opposition, but finally they gave way: and Mr. Wade records his opinion, formed then and held later, that the ultimate surrender was genuinely "for the purpose of

\* Corr. resp. China, 1859-1860, p. 170.

\* Cf. inter al. Wolseley, "Story of a Soldier's Life," ii, p. 55, n.

\* "J'attends, pour répondre aux commissaires impériaux que M. Parkes et M. Wade soient de retour. Je crois que le gouvernement chinois veut enfin céder; mais la dépêche des mandarins ne me plaît pas: leurs réflexions sur les soldats tartares, dont ils ne sont pas les maîtres, leur demande de ne pas armer notre escorte, ce qui est une folie, doivent nous donner à penser. Hosiwu, le 14 Sept. 1860."—*Livre jaune* de Baron Gros, extrait de sa correspondance et de son journal, p. 82.

preventing further hostilities." The draft of a further letter to be sent by the High Commissioners was then settled in consultation, and with this the two interpreters returned to Lord Elgin. The report on this conference was signed by Mr. Wade alone, who adds: "In the absence of Mr. Parkes, I may be permitted to state that, as on all similar occasions, the greater part of the work of discussion and persuasion fell to his share. His name was evidently well known to the commissioners, and they treated what fell from him with particular attention."<sup>41</sup>

§ 11. In their letter of September 14th the High Commissioners undertook to produce an Imperial decree giving full powers to treat; their high position provided a guarantee that their acts would not be disavowed; the draft convention was accepted, and the ratifications of the treaties of 1858 were to be exchanged in Peking; it was understood that Lord Elgin's escort would not exceed one thousand men; and the allied armies would arrest their march at a point five li south of Changkiawan, and would be withdrawn when the convention had been signed.<sup>42</sup> This gave the ambassadors all they could ask, except an entry with banners flying into Peking; and, as the Prince of Yi was one of the camerilla of three Imperial princes<sup>43</sup> in whose hands lay the actual government of the empire, it seemed probable that the engagements thus entered into would be carried out. The two ambassadors accordingly accepted the letter as conclusive, and so wrote on September 16th.<sup>44</sup> The letter of Baron Gros was entrusted to M. de Bastard, secretary of embassy, who was accompanied by M. de Meritens; and on the 17th they brought back a reply accepting the conditions imposed.<sup>45</sup> Lord Elgin's letter was sent by the hands of Mr. Parkes, who was accompanied by Mr. Henry B. Loch, Lord Elgin's private secretary, Colonel Walker and Mr. Thomson from the army, Mr. de Norman, one of Mr. Bruce's attachés, and Mr. Bowlby, Times correspondent; he was escorted by six English and twenty Indian cavalymen under Lieutenant Anderson. Mr. Parkes found the High Com-

<sup>41</sup> Mr. Wade to Lord Elgin, Sept. 23rd, 1860, *Corr. resp. China*. 1859-1860, p. 167.

<sup>42</sup> *Ibid.*, p. 171.

<sup>43</sup> Prince of Hwei, Prince of Tsing, and Prince of Yi.

<sup>44</sup> *Corr. resp. China*, 1859-1860, p. 172; Cordier, *op. cit.*, p. 311.

<sup>45</sup> Cordier, *op. cit.*, p. 313.

missioners much less friendly, and objecting to three points in the proposed arrangements: the indefiniteness in the date of withdrawing the troops, Lord Elgin's intention of taking to Peking the full escort which he would take to Tungchow, and the delivery of the queen's letter to the emperor at an audience. They chiefly insisted on their objection to the last.<sup>46</sup>

§ 12. M. de Bastard reported having seen "Tartar" troops, infantry and cavalry, in great number, occupying on September 18th the ground, five li south of Changkiawan, which it was intended that the allied troops should occupy;<sup>47</sup> but before this Mr. Parkes, with Colonel Walker and Mr. Loch, accompanied by the Chinese officer detailed to mark out the camping ground of the allies, going there on the morning of the 18th, also found the ground occupied by large bodies of men, many of them evidently in prepared ambuscades, together with some masked batteries.<sup>48</sup> Colonel Walker remained on the spot to observe what went on; Mr. Loch went forward to report to General Hope Grant, and then, accompanied by Captain Brabazon, returned to rejoin Mr. Parkes at Tungchow; and Mr. Parkes returned to expostulate with the Prince of Yi on the evident breach of faith. The rest of the party had remained at Tungchow; and on his way to Tungchow, meeting M. de Bastard, he advised him to hasten back to the French camp. When it was urged that, as High Commissioners, they must have plenary powers, they replied that the troops could be withdrawn only when peace should have been determined, and this could not be done so long as the question of the personal audience remained unsettled—"and until peace is settled our troops cannot retire."<sup>49</sup> Unable to obtain anything more definite, Mr. Parkes then collected his party and returned to Changkiawan.

§ 13. Arrived there, they found themselves in the midst of the Chinese troops and hustled by them. They still hoped to get through before the beginning of hostilities, but soon

<sup>46</sup> Corr. resp. China, 1859-1860, p. 172; Loch, "Personal Narrative," p. 86.

<sup>47</sup> Cordier, *op. cit.*, p. 318.

<sup>48</sup> Mr. Loch to Lord Elgin (report), Oct. 9th, 1860, Corr. resp. China, 1859-1860, p. 190; Loch, "Personal Narrative," p. 88; Mr. Parkes to Lord Elgin (report), Oct. 20th, 1860, Corr. resp. China, 1859-1860, p. 226.

<sup>49</sup> Parkes report.

they heard the sound of guns, and, realising the necessity for prompt action, Mr. Parkes and Mr. Loch then went forward under a flag of truce; this was disregarded and they were made prisoners, and, with much rough handling, were taken to the presence of Sengkolintsin,<sup>50</sup> and hurled prostrate on the ground before him. Mr. Parkes was asked why he had not settled the audience question the day before, why he pretended to disclaim any authority in the matter, and why he dared to use such bold language to the Prince of Yi. When ordered to "write to your people and tell them to stop the advance," he tried in vain to explain that he was only an interpreter and a delegate, and was rated for his continued obstinacy. During this time the sound of firing continued to be heard from the action which had begun. The prisoners were then taken to Tungchow and along the road towards Peking, and were brought into the presence of Juilin, viceroy of Chihli in 1858, now a secretary of state, before whom they were thrown on their knees and interrogated; and, after another examination before still another high official, they were dragged off as if for instant execution. After this they were taken to Peking and thrown into the prison of the Hing Pu. Here they were again interrogated, separately; they were loaded with chains, forced to continue kneeling on a stone pavement, were tweaked and pinched, and were generally roughly handled; but what the Chinese call torture was not applied. The main object of the questions was to find out through what channel Mr. Parkes obtained his knowledge of Chinese contemporary politics, and to obtain some acknowledgment that he had authority to make diplomatic concessions and to delay the advance of the troops. All this happened on September 18th, on which day the interpreter Abbé de Luc, M. d'Escayrac de Lauture, and eleven others of the French, were also seized. Mr. Loch was not again interrogated from that time until his release on October 8th. Mr. Parkes was, however, visited and questioned day after day, forced to wear the heaviest chains for ten days, threatened and in turn cajoled, all to induce him

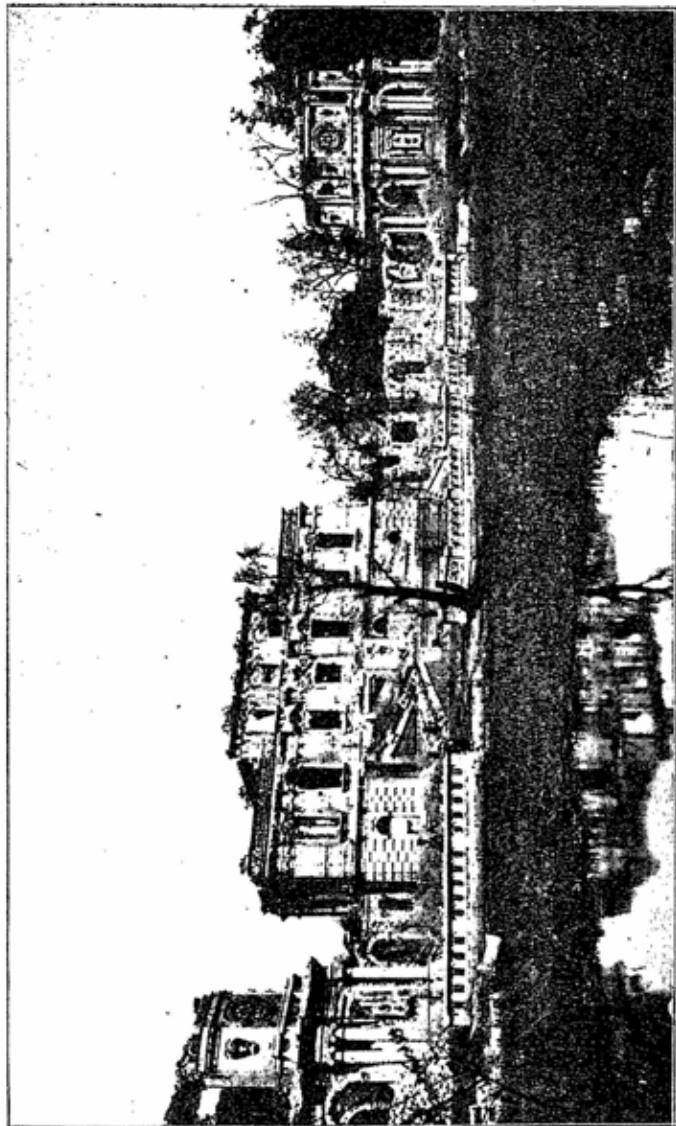
<sup>50</sup> For the loss of Peitang and Taku, Sengkolintsin had been deprived of his three-eyed peacock's feather, his honorary position in the Imperial bodyguard, and his command-in-chief of the bordered-blue banner, but was left in supreme command of the armies. He was deprived of his title of prince and his command on Oct. 20th.



to "do something by writing a note of some kind, or in any way that he might suggest, to bring about a settlement of the present differences between the nations." On September 22<sup>nd</sup> it was Hangki who came for this purpose—who had been a High Commissioner at Taku and an Associate Commissioner at Tientsin, and who now tried to coerce his hostage; again on the 26<sup>th</sup>, again on the 28<sup>th</sup> and 29<sup>th</sup>, and daily in October, until Mr. Parkes' release on the 8<sup>th</sup>.<sup>51</sup> On September 29<sup>th</sup> the two prisoners were removed from the Hing Pu to the Kao-miao, a small temple in the northern part of the city, a less ill-omened place from which to date the letters which, it was hoped, they would consent to write.

§ 14. The Chinese, under the direct sanction of their highest officials, had violated a flag of truce; they had seized the person of the envoy of an envoy with whom they were then conducting negotiations; they had treated him with the greatest indignity, as if he were a malefactor, and it can be said that they did not subject him to torture only because Chinese torture attains a degree of brutality and cruelty even beyond what he was made to experience; they had loaded him with chains and kept him prisoner until compelled to release him; and they had tried to make him a hostage to secure concessions from his country. Besides this, they were guilty of the murder of others of his party, also seized under flag of truce; and those who were ultimately released were released only under the same compulsion as secured the freedom of Mr. Parkes. They had made a special point of aiming at the seizure of the person of Lord Elgin, in the confident expectation of securing from the possession of his body a favourable settlement of all difficulties; and having in their hands the person of his alter ego, of whose influence and authority they had an exaggerated idea, they hoped for the same favourable settlement. In addition to this, after having agreed to the terms of a suspension of hostilities, they had prepared an ambushade, with batteries masked and troops concealed, at Changkiawan. They might be pardoned for breaches of the minor conventions adopted by civilised nations, but these acts were breaches of the principles underlying the relations between nations, and were unpardonable. In the whole of the proceedings there appears but one glimmer

<sup>51</sup> Parkes and Loch reports.



A PAVILION IN THE GROUNDS OF THE SUMMER PALACE AT YUENMINGYUEN.



of light: on October 8th Hangki made a special and successful effort to save the lives of Mr. Parkes and Mr. Loch, who went out through the gate of their temple-prison less than an hour before the arrival of the emperor's express order to put them and the other prisoners all to death; Hangki having learned this through his friends in the palace, induced Prince Kung to hasten the release.<sup>52</sup>

§ 15. The action of September 18th at Changkiawan was decided, mainly by artillery fire, in favour of the allies, who attacked Sengkolintsin's forces on both flanks and forced them to retire. At midnight Lord Elgin received the news of the seizures which had been made, and he at once urged on General Hope Grant that "the bad faith of the Chinese releases us from any obligation to restrict our advance," and that the safety of Mr. Parkes and the other captives would be best consulted by a forward movement.<sup>53</sup> The two commanders agreeing with this opinion, the two armies pushed on and, on the 21st, again found the enemy waiting to receive them at Palikiao—Eight-li Bridge, a fine stone bridge carrying the paved road over the grain canal, at a point eight li, or three miles, on the way from Tungchow to Peking. After some obstinate fighting Sengkolintsin's troops were again driven back and the way opened to Peking.<sup>54</sup> These two actions had reduced the reserves of ammunition with the armies to a dangerous point, and it became necessary to replenish them; it was further decided to bring up from Tientsin every available man, together with supplies; and for this purpose the army halted at Tungchow until October 5th.<sup>55</sup> The delay was, however, utilised and the necessity for it concealed by a renewal of negotiations<sup>56</sup> with a new High Commissioner, the fifth com-

<sup>52</sup> Parkes report; Loch, "Personal Narrative," p. 147.

<sup>53</sup> Corr. resp. China, 1859-1860, p. 175.

<sup>54</sup> For this action the Emperor Napoleon III bestowed on General Montauban the title of Comte de Palikao.

<sup>55</sup> Col. Foley to Lord J. Russell, Sept. 22nd; Lord Elgin to Lord J. Russell, Oct. 8th, 1860, Corr. resp. China, 1859-1860, pp. 177, 178; Baron Gros to M. Thouvenel (Minister of Foreign Affairs), Sept. 22nd, Oct. 3rd, Cordier op. cit., pp. 330, 348.

<sup>56</sup> "Nous avons déjà dû colorer plusieurs fois notre impuissance par un semblant de bon vouloir envers le gouvernement chinois, et si le lendemain de la déroute de Sengkolintsin le 21 septembre, dans le camp même d'où je vous écris, nous avions pu marcher sur Peking, tout serait fini aujourd'hui."—Baron Gros to M. Thouvenel, Oct. 3rd, 1860, *ubi sup.*

mission—not including any commission given to Sengkolintsin—which had been issued in less than two months for the purpose of settling with the allies.

§ 16. On September 22nd a despatch dated the 21st was received from Prince Kung,<sup>57</sup> the younger brother of the emperor, and a prominent figure in the government of China for forty years after this first appearance; in this despatch the prince announced his appointment as High Commissioner with plenipotentiary powers, and asked for a temporary suspension of hostilities.<sup>58</sup> To this the ambassadors replied enclosing each a written order to their nationals, now detained by the Chinese, to return forthwith to headquarters, and stating that, until the prisoners should reappear, hostilities would not be suspended, nor would negotiations be resumed.<sup>59</sup> On the 23rd Prince Kung wrote saying that Mr. Parkes had gone away in haste before the question of the audience had been settled, but that now all the prisoners were safe, some in Peking, some elsewhere; they must, however, remain in custody until peace was concluded, and the orders of recall could not be delivered.<sup>60</sup> On the 25th the ambassadors wrote offering, if all the prisoners were restored unharmed within three days, that, after the proposed convention already accepted had been signed, at Tungchow if desired, and after the ratifications of the treaty of 1858 had been exchanged at Peking, the allied armies would then be withdrawn to Tientsin, there to remain until the spring; should these terms not be accepted, the allied armies would “advance on Peking and take measures to prove that the laws of nations cannot be violated with impunity.”<sup>61</sup> Prince Kung replied on the 27th suggesting a compromise on the audience question; asking how it was

<sup>57</sup> Properly Prince of Kung, but during his forty years of power he was so universally referred to as Prince Kung, that it seems inadvisable to change his designation. His personal name was Yisin. He was the sixth son of Taokwang, the Emperor Hienfeng (personal name Yichu) being the fourth son.

<sup>58</sup> Prince Kung to Lord Elgin, Sept. 21st, 1860, *Corr. resp. China, 1859-1860*, p. 175; to Baron Gros, *Livre jaune du Baron Gros*, p. 100; Cordier, “*Expédition de Chine, 1860*,” p. 327. During the next two or three months, to a communication to or from Lord Elgin, there was always a corresponding communication to or from Baron Gros; for clearness only the reference to Lord Elgin's correspondence will be cited, unless it is desired to mark some difference.

<sup>59</sup> *Corr. resp. China, 1859-1860*, p. 175.

<sup>60</sup> *Ibid.*, p. 179.

<sup>61</sup> *Ibid.*, p. 180.

possible to continue hostilities if peace was desired; stating that "though the former commissioners did seize, bind, and confine" the prisoners, they now were comfortable,<sup>62</sup> though they must still be detained; and proposing to reopen the negotiations.<sup>63</sup> In the communication to Baron Gros the prince declared that "when you attack Peking, not only will your nationals be sacrificed, but your army will be cut to pieces during its retreat."<sup>64</sup> On the 28th the ambassadors wrote reminding Prince Kung that the limit of time for the return of the prisoners, on which they must insist, would expire the next day; adding that they would not insist on a personal audience, but that it was only at such an audience that they could present the autograph letters from their respective sovereigns.<sup>65</sup> On the 29th Prince Kung, referring to his previous statement that the prisoners could be released only after the conclusion of peace, now proposed to restore them as soon as the allied forces should have fallen back to Changkiawan; and he added that, if Peking were assaulted, he could not answer for their safety.<sup>66</sup> The ambassadors' reply to this was that the allied forces would advance.<sup>67</sup> On October 1st Prince Kung asked, seeing that he had agreed to the treaty of 1858 and to the proposed convention, what remained to be done? Why should not Mr. Parkes arrange the preliminaries? In any case the prisoners could not be restored while the peace negotiations were still unconcluded.<sup>68</sup> On the 2nd the ambassadors replied that any further proposals for peace must be accompanied by the prisoners.<sup>69</sup> To this Prince Kung replied on the 3rd that he was already negotiating with Mr. Parkes and with M. d'Escayrac regarding the method of carrying into effect both the treaty and the convention, and that they must be detained until the negotiation was completed; and that, as the Chinese army had fallen back, the allied forces should also fall back; and later he sent in notes from Mr. Parkes and Mr. Loch.<sup>70</sup> A note from Lord Elgin of

<sup>62</sup> It was on the 28th that Mr. Parkes and Mr. Loch were freed from carrying the heavy chains with which they had been loaded since the 18th.

<sup>63</sup> *Corr. resp. China, 1859-1860*, p. 181.

<sup>64</sup> Cordier, *op. cit.*, p. 338.

<sup>65</sup> *Corr. resp. China, 1859-1860*, p. 182.

<sup>66</sup> *Ibid.*, p. 183.

<sup>67</sup> *Ibid.*, p. 184.

<sup>68</sup> *Ibid.*

<sup>69</sup> *Ibid.*

<sup>70</sup> *Ibid.*, p. 186.

the 4th drew the prince's attention to the inconclusive nature of his letters of the 3rd; and on the 7th the prince wrote complaining of the forward movement of the allied forces, and again suggesting that they be withdrawn to allow the prisoners to be returned and negotiations for peace to be begun.<sup>71</sup>

§ 17. During the two weeks occupied by these futile negotiations, Lord Elgin was fortunate in having in Mr. Parkes, the chief object of his solicitude, one who was careful not to commit his chief, and not to make his own safety dependent on concessions to be wrung from the allies; he was frequently interviewed, and discussed the ambassadors' demands freely with Hangki and others, but he resolutely refused to assume the unauthorised position of negotiator. During these two weeks, too, the allied forces drew in their reinforcements and completed their equipment; and on October 5th they resumed active operations. The commanders were informed that the emperor was at his summer palace of Yuenmingyuen, about five miles to the north-west of Peking, and that Sengkolintsin with his army was established at Haitien, between the city and the palace. Skirting the eastern side of the city, they established themselves on the north front, and extended out to the north-west to get in touch with the enemy. He had retired, and on the evening of the 6th the main body of the British force "bivouacked inside the ramparts from which Sengkolintsin and his army had just retreated."<sup>72</sup> The French army and the British cavalry, working round to the right, found themselves at Yuenmingyuen, which General Montauban at once occupied. The halls and pavilions in the park were filled with priceless articles—"nothing in our Europe can give any idea of such luxury, and it is impossible for me to describe its splendours in these few lines, impressed as I am especially with the bewilderment caused by the sight of such marvels."<sup>73</sup> These halls were very thoroughly looted by the French and the small British cavalry contingent on the first day; "for some days afterwards the looting was continued, and a large number of our [British] officers secured a good deal, but neither the non-commissioned officers nor the privates—being in camp several

<sup>71</sup> Corr. resp. China, 1859-1860, p. 187.

<sup>72</sup> Wolseley, "Story of a Soldier's Life," ii, p. 76.

<sup>73</sup> Letter of Gen. Montauban, Oct. 8th, 1860, cited in Cordier, "Expédition de Chine, 1860," p. 353.

miles away—had the chance of obtaining anything.”<sup>74</sup> The Chinese living in the vicinity also are stated to have “obtained more loot from that palace than did the two allied armies.”<sup>75</sup>

§ 18. On the evening of October 7th a note was placed in the hands of Hangki, presenting the ultimatum of the allied commanders. The treaties being fully accepted, the commanders had now to demand the immediate return of the prisoners, failing which the city of Peking would be stormed. If, however, the prisoners were restored, the ambassadors would agree to sign the convention and exchange ratifications of the treaties. To guard against treachery the commanders stipulated that, before the ambassadors entered Peking, one of the city gates should be surrendered to their custody; but, if the people of the city remained quiet, they would not be molested.<sup>76</sup> Before this ultimatum was delivered, Mr. Parkes wrote on the 6th that he and his fellow prisoners were to be returned on the 8th; and on that day eight of the survivors were brought into camp. On the 10th the generals wrote demanding that the Anting gate, the easternmost of the two northern gates, be surrendered to them by noon of the 13th; if not, they would then breach the walls of Peking. On the 12th Prince Kung wrote complaining of the capture and sack of the Imperial palace at Yuenmingyuen, for which he demanded compensation and reparation; and asking that a convention be negotiated for the occupation of the Anting gate.<sup>77</sup> This was not answered; and, as noon of the 13th drew near, there came no answer from the Chinese to the demand for the surrender of the gate; but, a few minutes before the hour, the gate was opened and was found to have been abandoned by the Chinese. So peaceable a solution was welcome to the higher officers in the allied camp, who realised that, with the means at their disposal, it was no slight task to breach the mighty walls of the Chinese capital.<sup>78</sup>

<sup>74</sup> Wolseley, “Soldier’s Life,” ii, p. 78. As deputy-quartermaster-general it was Col. Wolseley’s duty to attend to such matters as prize-money, though he was not appointed prize agent. See also Hope Grant, “Incidents in the China War,” p. 128; Swinhoe, “North-China Campaign,” pp. 292 seq.

<sup>75</sup> Wolseley, *op. cit.*, ii, p. 84.

<sup>76</sup> *Corr. resp. China, 1859–1860*, p. 188.

<sup>77</sup> *Ibid.*, p. 195.

<sup>78</sup> Col. Wolseley took command at the breaching battery of four guns. As noon drew nigh, “I held my breath; I was not happy, feeling that we were playing at a game of brag, for I knew too well that with the number of rounds



§ 19. Of the twenty-six British seized on September 18th, thirteen—Mr. Parkes, Mr. Loch, one English dragoon, and ten Sikh sowars—were restored alive, “all of whom bear on their persons evidence of the indignities and ill-treatment from which they have suffered”; and thirteen were “barbarously murdered, under circumstances on which the undersigned will not dwell, lest his indignation should find vent in words which are not suitable for a communication of this nature.”<sup>79</sup> Of the murdered, the bodies of Mr. de Norman, Mr. Bowlby, Lieutenant Anderson, an English dragoon named Phipps, and eight Sikh sowars were returned; the fate of Captain Brabazon is not definitely known, but it is believed that he and Abbé Deluc were decapitated after the battle of Palikiao. Of the thirteen French seized, five, M. d’Escayrac de Lauture and four soldiers, were restored alive; the bodies of six were returned, those of Colonel Grandchamps, M. Ader, M. Dubut, and three soldiers; and there remained, not accounted for, the Abbé Deluc and one soldier. The bodies were interred, the British in the Russian and the French in the Catholic cemetery; and it now devolved on the ambassadors to decide on the penalty to be inflicted for so flagrant an offence. In this decision time was the first and most important element.

§ 20. The politics of Europe had been transferred to China; and the cordial alliance of 1858, conducted through the diplomats and the admirals, was converted into the strained alliance of 1860, in which the military element predominated. There had been much friction and dissatisfaction from the outset among the military in the two camps, kept under restraint only by the caution and experience of the two diplomats who continued and completed in 1860 their task begun in 1858. The military friction was even increased by the disparity between the forces: the pride of the French required that they should have always a force equal to the English

we had with us no effective breach could be hoped for.” . . . At noon the gate swung open and “I drew a long breath of intense satisfaction at the result.”—Wolseley, “Soldier’s Life,” ii, p. 82. The walls of Peking have a height of 41 feet, and a thickness at the base of 62 feet and at the top of 50 feet; they are faced, front and back, with large hard-baked bricks, and are filled in with clay, offering no slight resistance to the fire of such artillery as was at the disposal of the allies in 1860.

<sup>79</sup> Lord Elgin to Prince Kung, Oct. 16th, 1860, Corr. resp. China, 1859–1860, p. 216.

at the point of contact with the enemy, and this left to the English the uncongenial task of garrisoning bases, guarding lines of communication, etc. With small experience of Asiatic campaigning their equipment too was incomplete. A keen observer on the spot recorded at the outset his impressions:

"I am now glad that Lord Elgin and Baron Gros have come out. The French require a good deal of keeping in order, and until Baron Gros arrived their naval and military commanders ranked above M. de Bourboulon, who had consequently very little influence with them, and could do little therefore to restrain their acts and opinions, which were and are often very ill judged. This dreadful alliance is a very, very great reason for our devoutly desiring a speedy settlement of the question. They do us no good, and act in fact in every respect just like a drag upon our coach. They use our stores, get in our way at all points, and retard all our movements."<sup>80</sup>

Moreover, there was friction within the French lines, and one of the first tasks imposed on Baron Gros was to compose serious difficulties between his own general and admiral.<sup>81</sup> The state of feeling in Europe suggested even to Lord Elgin the following reflections: "The state of Europe is very awkward and an additional reason for finishing this affair. For if Russia and France unite against us, not only will they have a pretty large force here, but they will get news via Russia sooner than we do, which may be inconvenient."<sup>82</sup>

§ 21. It was thus out of the question to consider even the possibility of continuing the campaign into the following year; and in addition the emperor had fled to Jehol, a step which, as had been long foreseen, was fraught with danger, not only to the dynasty, but to the cause of peace, if the hostile occupation of the capital were to be prolonged.<sup>83</sup> In consequence of the decisions of a conference held on October 15th between the two commanders, General Hone Grant informed Lord Elgin that:

1°. It was not considered advisable to keep the allied forces in Peking during the winter.

<sup>80</sup> Mr. Parkes to his wife, July 25th, 1860, Lane-Poole, "Life," i, p. 346. "Malheureusement la saison est bien avancée et je vois avec regret que nos troupes ne sont pas prêtes. Je doute même qu'elles soient en mesure d'agir avant le 20 ou le 25 de ce mois, et cependant nos alliés attendent et commencent à se plaindre des retards que nous leur causons."—Baron Gros to M. Thouvenel, July 6th, 1860, Cordier, op. cit., p. 223.

<sup>81</sup> Baron Gros to M. Thouvenel, June 30th, 1860, Cordier, op. cit., p. 218.

<sup>82</sup> Walrond, "Letters," p. 337.

<sup>83</sup> Baron Gros to Lord Elgin, July 6th, 1860, Cordier, op. cit., p. 241.

2°. The armies must begin their march to Tientsin about the 1st of November.

3°. By the terms of the ultimatum under which the Anting gate had been surrendered, it would not only be contrary to good faith to attack the city or destroy public buildings in it, unless the Chinese gave fresh cause of provocation, but would also destroy the English established reputation for adhering strictly to their word.

4°. He was prepared to ensure the destruction of the palaces of Haitien and Yuenmingyuen, should Lord Elgin consider this step to be advisable.<sup>84</sup>

Lord Elgin and Baron Gros were thus left with only two weeks within which to enforce their demand for some punishment suited to the offence, and to secure its accomplishment. Several courses presented themselves. They might have demanded an increased indemnity; but the indemnity had already been largely increased, that to France fourfold, and further increase would have led to prolonged negotiation, which was out of the question; moreover such a demand would have crippled the Imperial revenues for many years, and would have imposed a heavy burden on the people of China. They might have demanded the cession of territory, but they wished to avoid the international complications involved in such a step. They might have demanded that the persons guilty of cruelty to their countrymen, or of the violation of a flag of truce, should be surrendered; but the Chinese could never be expected to give up the really guilty persons, the generalissimo Sengkolintsin and the Imperial Prince of Yi, without a degree of compulsion which could not have been applied, and such a demand would have resembled too closely the Chinese idea of personal responsibility in war.<sup>85</sup> This narrowed the choice in deciding on the penalty. The two ambassadors were agreed on an indemnity for the benefit of the sufferers and the families of the dead—Tls. 300,000 for the English, 26 in number, and Tls. 200,000 for the French, 13 in number—which was duly paid on October 22nd.<sup>86</sup> With this they parted company. Lord Elgin wished to demand the erection of a monument commemorating for all time the act of treachery of the Chinese government; to this Baron Gros objected,<sup>87</sup> and it was aban-

<sup>84</sup> Corr. resp. China, 1859-1860, p. 218.

<sup>85</sup> Lord Elgin to Lord J. Russell, Oct. 25th, 1860, *ibid.*, p. 213.

<sup>86</sup> Corr. resp. China, 1859-1860, pp. 209, 216, 218, 247.

<sup>87</sup> Baron Gros to Lord Elgin, Oct. 16th, 1860, *Livre jaune du Baron Gros*, p. 147; Cordier, *op. cit.*, p. 372.

doned. Finally, Lord Elgin wished to destroy the buildings of the palace of Yuenmingyuen,<sup>88</sup> as the place in which some of the prisoners had been subjected to ill-treatment, and as a measure calculated to hurt the personal pride of the emperor, and to do this in any case before proceeding further with any negotiation; Baron Gros, on the other hand, thought little of the destruction of a mere "site de campagne sans défense" and "maison de plaisance," and wished in preference the destruction of the Imperial palace<sup>89</sup> in Peking, which was "le siège de la puissance souveraine," but he wished to make this destruction dependent on the improbable event of further failure in the negotiations.<sup>90</sup> The thought underlying the proposals of each ambassador was the fear lest the proposal of the other would drive Prince Kung and the remaining cadre of government away from Peking, and leave no authority with which to establish peace. This would unquestionably have been the result of destroying the Imperial palace, and did not follow on the destruction of Yuenmingyuen.

§ 22. Each of the two commanders, by whose agency alone could any destruction be effected, supported his own ambassador. General Montauban, under whose eyes Yuenmingyuen was pillaged by his own troops,<sup>91</sup> characterised its destruction as an act of vandalism not calculated to produce the result aimed at;<sup>92</sup> and he refused to associate himself in its execution. General Hope Grant objected to the destruction of the Imperial palace as a breach of faith, contrary to the undertaking given on the surrender of the Anting gate, and he undertook to execute Lord Elgin's order to destroy the summer palace.<sup>93</sup> This order was given, and on October 18th all of the two hundred and more buildings in the park of Yuenmingyuen which had been left unburnt by marauding Chinese of the vicinity were given to the flames by the troops under General Hope Grant's orders. Possibly a necessary act, possibly even a

<sup>88</sup> Corresponding to the Château de St. Cloud under Napoleon III, and Balmoral under Victoria.

<sup>89</sup> Corresponding to the Tuileries and Buckingham Palace.

<sup>90</sup> Baron Gros to Lord Elgin, Oct. 16th, 1860, Cordier, *ubi sup.*; omitted from letter in *Livre jaune*.

<sup>91</sup> Cordier, *op. cit.*, p. 391.

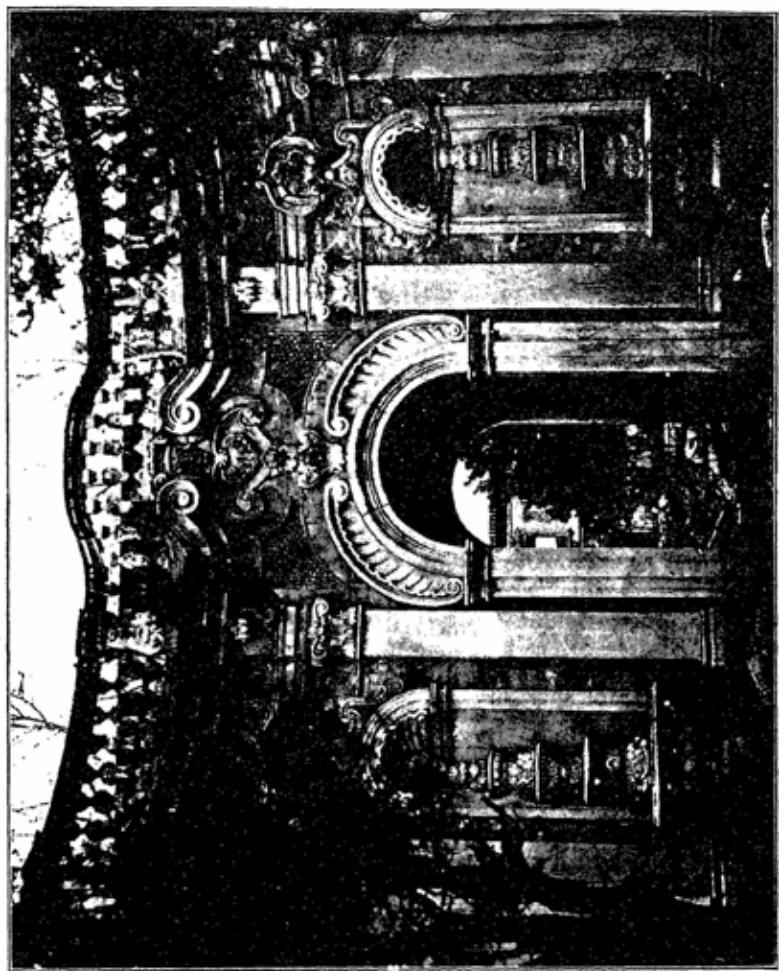
<sup>92</sup> Gen. Montauban to Gen. Grant, Oct. 18th, 1860, Cordier, *op. cit.*, p. 385.

<sup>93</sup> Sir J. Hope Grant to Lord Elgin, Oct. 15th, 1860, *Corr. resp. China*, 1859-1860, p. 218.

wise one; but there remained for many years in the minds of the Chinese, who had forgotten the original offence or paid little attention to it, a vivid memory of the looting of the palace by the French and its destruction by the English.

§ 23. Prince Kung was at first alarmed by the destruction of Yuenmingyuen and was on the point of flying from Peking; but from this step he was dissuaded by General Ignatieff, who impressed on his mind the danger to the dynasty if the present opportunity of making peace was lost. Finally all was settled, and, though there was further correspondence between the plenipotentiaries on the two sides, the preparations for signing the conventions proceeded without further impediment; due precautions were, however, taken against any acts of treachery. All arrangements being completed, Lord Elgin entered Peking in state on October 24th, guarded by a strong escort and marching through streets lined with British troops, and proceeded to the Lee Pu, or hall of ceremonies; there the convention of Peking, 1860, was signed, and the ratifications of the treaty of Tientsin, 1858, were exchanged, a certificate being attached to the latter declaring that the Imperial seal affixed to it rendered any further ratification unnecessary. The next day, the 25th, Baron Gros entered Peking in state, with the same precautions and the same ceremony, and his convention was signed and ratifications with certificate exchanged. It is recorded that Lord Elgin was stiff and unbending, while Baron Gros was genial and conciliatory. There was afterwards a small question between Lord Elgin and General Hope Grant: the British convention, but not the French, provided that an Imperial decree should be issued commanding that the treaty of Tientsin should be published in all the provinces, and Lord Elgin, as an added precaution, desired that the forces should not evacuate Peking until this decree should be produced. General Hope Grant, with much reluctance, finally consented to wait for a few days, and actually retired his troops on November 7th-8th.<sup>91</sup> The French withdrawal began on November 1st. A garrison of both armies was left in Tientsin, and the Miaotao islands were held by the English, and Chefoo by the French, during the winter.

<sup>91</sup> *Corr resp. China, 1859-1860*, p. 246; Baron Gros to M. Thouvenel, Oct. 26th 1860, *Cordier, op. cit.*, p. 445.



A GATEWAY AT YUENMINGYUEN.



§ 24. The American minister, Mr. Ward, visited Lord Elgin and Baron Gros at Peitang on August 7th, and communicated unofficially an intimation received by him from the Viceroy Hengfu that no obstacle would be placed in the way of the English and French ambassadors, if they wished to go by way of Peitang to exchange the ratifications at Peking. Mr. Ward had replied that it would be useless to make such a proposal; and he informed Lord Elgin that "he found his position here so false and his chance of usefulness so small, that he intended to leave the gulf and return at once to Shanghai."<sup>95</sup> He soon returned to America and resigned his post, to which in 1861 Mr. Anson Burlingame was appointed.

§ 25. The Russian envoy, General Ignatieff, had remained in Peking. In March 1860 it is recorded<sup>96</sup> that he was pressing for the cession of the trans-Ussuri territory, on the one hand offering supplies of cannon and small arms, and, on the other, threatening that a Russian fleet would be ordered to Peitang; Sengkolintsin was commanded to drive away the fleet, but to accept the arms. When on August 26th Sengkolintsin memorialised,<sup>97</sup> urging the emperor to go to Jehol, there were many memorials adverse to the proposal, and in several is found the argument that the emperor's route will carry him near the Russians; one stated that "beyond the Kupehkw pass (through the great wall) is the haunt of numbers of Russian barbarians, and these have had the pretension to deliver frequent communications to the government at Peking for the furtherance of some treacherous designs"—evidently referring to pending negotiations for the conclusion of the convention proposed by the Russian envoy. At the beginning of August General Ignatieff was at Peitang, and communicated to Baron Gros the message which was also transmitted through Mr. Ward. He then returned to Peking, and at a critical stage of the negotiations with the allies, on October 18th, he wrote to Baron Gros that he had been able to persuade Prince Kung and other ministers of the emperor that their true policy

<sup>95</sup> Lord Elgin to Lord J. Russell, Aug. 7th, 1860, *Corr. resp. China*, 1859-1860, p. 95.

<sup>96</sup> Confidential letter from the Great Council to the High Commissioners Sengkolintsin and Hengfu, found among papers seized at Sinho, Aug. 12th, *ibid.*, p. 119.

<sup>97</sup> Documents seized at Yuenmingyuen, Oct. 8th, *ibid.*, pp. 260 seq.



was to recognise the danger of their position and compose without delay their difficulties with the allies; on the other hand he urged the latter not to push the Manchu dynasty too hard, which they were in danger of doing.<sup>98</sup> He was entitled to show that he had saved the dynasty and had ensured the withdrawal of the allied troops; and as fee to the honest broker he obtained the signature, on November 14th, of the convention ceding to Russia the territory east of the Ussuri.

§ 26. The two conventions of Peking, 1860, the British and French, were in the main identical, being based on the ultimatum of March and the drafts handed to the Chinese at Tientsin at the beginning of September. The emperor was made to express his "deep regret" for the breach of friendly relations caused by the action of the Chinese military authorities at Taku in June 1859.<sup>99</sup> The compromise effected as to the permanent residence of the British minister at Peking<sup>100</sup> was declared to be cancelled;<sup>101</sup> and the right to a permanent legation was thereby acquired by the other treaty powers.<sup>102</sup> The indemnities were increased to a sum of Tls. 8,000,000 to each of the allied powers, from the sums settled by the treaty of Tientsin, viz. Tls. 4,000,000 to England (including Tls. 2,000,000 for war expenses and Tls. 2,000,000 compensation for losses due to merchants) and Tls. 2,000,000 to France;<sup>103</sup> of the in-

<sup>98</sup> Cordier, "Relations de la Chine," i. p. 94.

<sup>99</sup> Br. conv. Peking, 1860 art., i; Fr. conv. Peking, 1860, art. i.

<sup>100</sup> Cf. chap. xxii, §§ 21, 22.

<sup>101</sup> Br. conv. Peking, 1860, art. ii.

<sup>102</sup> Am. tr. Tientsin, 1858, art. vi; Fr. tr. Tientsin, 1858, art. ii; Russ. tr. Tientsin, 1858, art. xii.

<sup>103</sup> Br. conv. Peking, 1860, art. iii; Fr. conv. Peking, 1860, art. iv.

The amount of the claims presented by the British community at Canton to the British government was as follows:

For property (merchants) . . . . .	\$1,371,279	
" " (consulate) . . . . .	59,235	1,430,514
" goods . . . . .		2,041,332
Total . . . . .	\$3,471,846	

The indemnity for payment of claims was distributed as follows:

Tls. 2,000,000 at exchange 717 . . . . .	\$2,789,400
Amount of claims allowed . . . . .	\$1,886,543
" " interest " . . . . .	432,438
For consulate, claim and interest . . . . .	73,107
	2,392,088
Balance to credit of H.M. treasury . . . . .	397,312
	<u>\$2,789,400</u>

--Return rel. claims for indemnity under conv. of Peking, 1860.

demnity to France, Tls. 7,000,000 were declared to be for war expenses and Tls. 1,000,000 compensation for losses due to merchants and missionaries;<sup>104</sup> the sum of Tls. 500,000 was to be paid at once, and for the balance one-fifth of the gross customs receipts at each port was to be paid quarterly, to each power. Tientsin was to be added to the ports open to foreign residence and trade.<sup>105</sup> Dates were settled for the immediate evacuation of Chusan, and for the ultimate evacuation, when the indemnities should have been paid, of Tientsin, Taku, Shantung, and Canton.<sup>106</sup> Emigration of Chinese to foreign parts was to be permitted under suitable regulations to be drawn up in consultation.<sup>107</sup>

§ 27. Consequent on the treacherous seizure of British and French subjects on September 18th, articles were added by each power in its own interest. The British convention stipulated that an Imperial decree was to be issued forthwith, commanding the high authorities in the capital and in the provinces to publish both the treaty and the convention.<sup>108</sup> The tongue of land known as Kowloon point, projecting into and dominating Hongkong harbour, was ceded to the British crown in perpetuity;<sup>109</sup> even this was found to be insufficient guard against a possible hostile attack on the harbour, and the Kowloon territory was further extended in 1898.

§ 28. To France the most important interest in all Eastern countries has always been the protection of catholic missions; whatever the home policy of the government—royal, Imperial, or republican—in France, whether acting in support of the papacy or pursuing an anti-clerical course, abroad its policy has always been orthodox and even ultramontane. In this spirit compensation for the murder of French subjects in 1860 was obtained by the insertion in the French convention of the following important article:<sup>110</sup>

“Conformément à l'édit impérial<sup>111</sup> rendu le vingt mars mil huit cent quarante-six par l'auguste Empereur Tao-Kouang, les établissements

<sup>104</sup> Fr. conv., art. v. The claims filed in Dec. 1856 by merchants, chiefly Swiss, under French protection at Canton amounted to \$255,852 (Tls. 170,000); cf. chap. xvi, § 19.

<sup>105</sup> Br. conv., art. iv; Fr. conv., art. vii.

<sup>106</sup> Br. conv., art. ix; Fr. conv., art. viii.

<sup>107</sup> Br. conv., art. v; Fr. conv., art. ix.

<sup>108</sup> Br. conv., art. viii.

<sup>109</sup> Br. conv., art. vi.

<sup>110</sup> Fr. conv., art. vi.

<sup>111</sup> Cf. chap. xii, § 12; appendix X.

religieux et de bienfaisance qui ont été confisqués aux Chrétiens pendant les persécutions dont ils ont été les victimes seront rendus à leurs propriétaires par l'entremise du Ministre de France en Chine, auquel le gouvernement Impérial les fera délivrer avec les cimetières et les autres édifices qui en dépendaient."

To the Chinese, but not to the French, text of this article, was added, surreptitiously as the Chinese government has always declared, the following clause:<sup>112</sup>

"And it shall be lawful for French missionaries in any of the provinces to lease or buy land and build houses."

This provision armed the catholic missions with great powers in extending their propaganda into the interior, and was destined to give rise to much friction in the future; but it must be noted that, down to the opening years of the twentieth century, when the right "to rent and to lease in perpetuity buildings or lands in all parts of the empire"<sup>113</sup> was expressly secured to missionary societies by the American commercial treaty of 1903, no claim was based on the "most-favoured-nation" clauses in treaties to extend the full exercise of this right to protestant missions, and the catholic missions were alone in holding land in the interior as freehold property.

§ 29. And so ended the twenty-five years' struggle to decide on what conditions the relations between East and West should exist. At the outset these relations were purely commercial, at the absolute discretion of the Chinese officials, but with some moderate control exercised by the company to which had been entrusted a monopoly and the right of supervision over the merchants of that nation which had the largest share in the trade of China. Other traders, subjected to no monopoly or control, then came into the field, and the check formerly imposed on the Chinese was weakened; and it was finally destroyed by the abolition of the monopoly of the English company. Lord Napier then came to establish the relations with China on a fitting basis; he found the Chinese quite content with the existing situation, and refusing to admit any, even the slightest, change which should lower their prestige or

<sup>112</sup> Reference cannot be avoided to the fact that the principal interpreter to the French mission was the Abbé Delamarre, and that the Abbé Deluc, interpreter to General Montauban, was among the murdered, both French catholic missionaries.

<sup>113</sup> Am. commer. tr., Shanghai, 1903, art. xiv.

lessen their emoluments, and this attitude they maintained consistently for five years. The opium question then became acute, and on it the Chinese entered into a war which was fought by the English on other issues; and it was those other issues which were settled by the English victories, the Chinese being still left free to execute by all lawful means their own laws against opium. The settlement of those other issues—equality of national status, the imposition of a known and moderate tariff, and the removal of foreigners from Chinese jurisdiction—hurt Chinese pride, was not accepted by the court and governing body of the empire, and was rejected by the people of Canton; and fourteen years of perpetual friction followed on the peace of 1842. The second war was fought to settle again the same questions, and in the settlement every vestige of Chinese sovereignty was swept away within the limits of the stipulations of the treaties; but the victories of the second war were as inconclusive as those of the first, and a third became necessary. This third war, conducted with adequate forces, finally brought China to her knees; and, with her dominion rent by rebellion, foreign troops within the gates of her capital, and the emperor a fugitive at Jehol, without the wall, her rulers were driven to recognise that diplomacy was of no avail unless supported by armed force. There might be occasions when they felt they were in the right, there might be others when they knew the foreigner was in the wrong, and they declared that they were constantly hurried into precipitate decisions; but at last they had learned the lesson that only the mailed fist could guard their house. In time the world, East and West, also recognised that the West had exercised great restraint and shown a wise moderation in reaping the fruits of victory, and that the restrictions imposed on Chinese sovereignty were only those rendered indispensable by the inefficiency and corruption of the mandarinat of the empire; but this was a lesson for future years; now, as the result of three wars, the Chinese learned, and they accepted as their law, that, whereas formerly it was China which dictated the conditions under which international relations were to be maintained, now it was the Western nations which imposed their will on China.



## APPENDICES



## APPENDIX A

### LORD PALMERSTON TO THE MINISTER OF THE EMPEROR OF CHINA

F.O., LONDON, February 20, 1840.

THE UNDERSIGNED, Her Britannick Majesty's Principal Secretary of State for Foreign Affairs, has the honour to inform the Minister of The Emperor of China, that Her Majesty The Queen of Great Britain has sent a Naval and Military Force to the Coast of China, to demand from The Emperor satisfaction and redress for injuries inflicted by Chinese Authorities upon British Subjects resident in China, and for insults offered by those same Authorities to the British Crown.

For more than a hundred years, commercial intercourse has existed between China and Great Britain; and during that long period of time, British Subjects have been allowed by the Chinese Government to reside within the territory of China for the purpose of carrying on trade therein. Hence it has happened that British Subjects, trusting in the good faith of the Chinese Government, have fixed themselves in Canton as Merchants, and have brought into that city from time to time property to a large amount; while other British Subjects who wished to trade with China, but who could not for various reasons go thither themselves, have sent commodities to Canton, placing those commodities in the care of some of their fellow Countrymen resident in China, with directions that such commodities should be sold in China, and that the produce of the sale thereof should be sent to the Owners in the British Dominions.

Thus there has always been within the territory of The Emperor of China a certain number of British Subjects, and a large amount of British Property; and though no Treaty has existed between the Sovereign of England and the Emperor of China, yet British Subjects have continued to resort to China for purposes of trade, placing full confidence in the justice and good faith of The Emperor.

Moreover, of late years the Sovereign of Great Britain has stationed at Canton an officer of the British Crown, no wise connected with trade, and specially forbidden to trade, but ordered to place himself in direct communication with the local Authorities at Canton in order to afford protection to British Subjects, and to be the organ of communication between the British and the Chinese Governments.

But the British Government has learnt with much regret, and with extreme surprise, that during the last year certain officers, acting under the Authority of The Emperor of China, have committed violent outrages



against the British Residents at Canton, who were living peaceably in that City, trusting to the good faith of the Chinese Government; and that those same Chinese officers, forgetting the respect which was due to the British Superintendent in his Character of Agent of the British Crown, have treated that Superintendent also with violence and indignity.

It seems that the course assigned for these proceedings was the contra-band trade in Opium, carried on by some British Subjects.

It appears that the Laws of the Chinese Empire forbid the importation of Opium into China, and declare that all opium which may be brought into the Country is liable to confiscation.

The Queen of England desires that Her Subjects who may go into Foreign Countries should obey the Laws of those Countries; and Her Majesty does not wish to protect them from the just consequences of any offences which they may commit in foreign parts. But, on the other hand, Her Majesty cannot permit that Her Subjects residing abroad should be treated with violence, and be exposed to insult and injustice; and when wrong is done to them, Her Majesty will see that they obtain redress.

Now if a Government makes a Law which applies both to its own Subjects and to Foreigners, such Government ought to enforce that Law impartially or not at all. If it enforces that Law on Foreigners, it is bound to enforce it also upon its own Subjects; and it has no right to permit its own Subjects to violate the Law with impunity, and then to punish Foreigners for doing the very same thing.

Neither is it just that such a Law should for a great length of time be allowed to sleep as a dead letter, and that both Natives and Foreigners should be taught to consider it as of no effect, and that then suddenly, and without sufficient warning, it should be put in force with the utmost rigour and severity.

Now, although the Law of China declared that the importation of Opium should be forbidden, yet it is notorious that for many years past, that importation has been connived at and permitted by the Chinese Authorities at Canton; nay, more, that those Authorities, from the Governor downwards, have made an annual and considerable profit by taking money from Foreigners for the permission to import Opium; and of late the Chinese Authorities have gone so far in setting this Law at defiance, that Mandarin Boats were employed to bring opium to Canton from the Foreign Ships lying at Lintin.

Did the Imperial Government at Peking know these things?

If it did know these things, it virtually abolished its own Law, by permitting its own officers to act as if no such Law existed. If the Chinese Government says it did not know of these things, if it says that it knew indeed that the Law was violated by Foreigners who brought in opium, but did not know that the Law was violated by its own Officers who assisted in the importation, and received fixed Sums of money for permitting it, then may Foreign Governments ask, how it happened that a Government so watchful as that of China should have one eye open to see the transgressions of Foreigners, but should have the other eye shut, and unable to see the transgressions of its own officers.

If the Chinese Government had suddenly determined that the Law against the importation of Opium should be enforced, instead of remaining, as it long had been, a dead letter, that Government should have begun by punishing its own Officers who were the greatest delinquents in this matter, because it was their special duty to execute the Law of their own

Sovereign. But the course pursued by the Chinese Government has been the very reverse; for they have left unpunished their own officers, who were most to blame, and they have used violence against Foreigners, who were led into transgression by the encouragement and protection afforded to them by the Governor of Canton and his inferior Officers.

Still, however, the British Government would not have complained, if the Government of China, after giving due notice of its altered intentions, had proceeded to execute the Law of the Empire, and had seized and confiscated all the opium which they could find within the Chinese territory, and which had been brought into that territory in violation of the Law. The Chinese Government had a right to do so, by means of its own officers, and within its own territory.

But for some reason or other known only to the Government of China, that Government did not think proper to do this. But it determined to seize peaceable British Merchants, instead of seizing the contraband opium; to punish the innocent for the guilty, and to make the sufferings of the former, the means of compulsion upon the latter; and it also resolved to force the British Superintendent, who is an officer of the British Crown, to become an instrument in the hands of the Chinese Authorities for carrying into execution the Laws of China, with which he had nothing to do.

Against such proceedings the British Government protests, and for such proceedings the British Government demands satisfaction.

A large number of British Merchants who were living peaceably at Canton, were suddenly imprisoned in their houses, deprived of the assistance of their Chinese servants, and cut off from all supplies of food, and were threatened with death by starvation, unless other persons, in other places, and over whom these Merchants so imprisoned had no authority or controul, would surrender to the Chinese Government a quantity of Opium which the Chinese Authorities were unable themselves to discover or to take possession of, and a portion of which was at the time not within the territories and jurisdiction of China. Her Majesty's Superintendent, upon learning the violence which was done towards these British Merchants, and the danger to which their lives were exposed, repaired, though with some risk and difficulty, to Canton, in order to enquire into the matter, and to persuade the Chinese authorities to desist from these outrageous proceedings. But the Imperial Commissioner did not listen to Her Majesty's Officer; and in violation of the Law of Nations, and in utter disregard of the respect which was due by him to an officer of the British Crown, he imprisoned the Superintendent as well as the Merchants, and, continuing to deprive them all of the means of subsistence, he threatened to put them all to death by starvation, unless the Superintendent would give to other persons, not in Canton, orders which he had no power or authority to give, for delivering to the Chinese Authorities a fixed quantity of Opium.

The Superintendent, in order to save the lives of his imprisoned fellow Countrymen, gave at last the orders required of him, and the parties to whom these orders were addressed, although by no means bound to obey them, and although a great part of the property demanded, did not belong to them, but was only held by them in trust for others, yet complied with these orders, wishing no doubt to rescue the British Merchants in Canton from death, and trusting that the Queen of Great Britain would at a future time cause them to be indemnified for their loss.

The British Government cannot condemn the steps which were taken

by Her Majesty's Superintendent, under the pressure of an over-ruling and irresistible force, to rescue from the barbarous fate which awaited them, so many of Her Majesty's Subjects for whose special protection the Superintendent had been appointed, and the British Government highly applauds the readiness with which the persons to whom the orders were directed surrendered the Property demanded, and showed themselves willing to submit to the destruction of their Property, in order to prevent the destruction of the lives of so many of their fellow Countrymen. But the British Government demands full satisfaction from the Government of China for these things. In the first place it requires, that the Ransom which was exacted as the price for the lives of the Superintendent, and of the imprisoned British Merchants, shall be restored to the persons who paid it, and if, as the British Government is informed, the goods themselves, which were given up to the Chinese Authorities, have been so disposed of, that they cannot be restored to their owners, in the same state in which they were given up, then the British Government demands and requires that the value of those goods shall be paid back by the Government of China to the British Government, in order that it may be paid over to the Parties entitled to receive it.

In the next place, the British Government demands satisfaction from the Government of China for the affront offered to the Crown of Great Britain, by the indignities to which Her Majesty's Superintendent has been subjected; and the British Government requires that in future the officer employed by Her Majesty to watch over the commercial interests of Her Subjects in China, and to be the organ of communication with the Government of China, shall be treated, and shall be communicated with by that Government, and by its officers, in a manner consistent with the usages of civilized Nations, and with the respect due to the Dignity of the British Crown.

Thirdly.—The British Government demands security for the future, that British Subjects resorting to China for purposes of Trade, in conformity with the long-established understanding between the two Governments, shall not again be exposed to violence and injustice while engaged in their lawful pursuits of Commerce. For this purpose, and in order that British Merchants trading to China may not be subject to the arbitrary caprice either of the Government at Peking, or its local Authorities at the Sea-Ports of the Empire, the British Government demands that one or more sufficiently large and properly situated Islands on the Coast of China, to be fixed upon by the British Plenipotentiaries, shall be permanently given up to the British Government as a place of residence and of commerce for British Subjects; where their persons may be safe from molestation, and where their Property may be secure.

Moreover, it appears that the Chinese Government has hitherto compelled the British Merchants resident at Canton to sell their goods to certain Hong Merchants, and to no other persons, and the Chinese Government, by thus restricting the dealings of the British Merchants, has become responsible for the Hong Merchants to whom those dealings were confined. But some of those Hong Merchants have lately become insolvent, and the British Merchants have thus incurred great pecuniary losses, which they would have avoided, if they had been allowed to trade with whomsoever they chose. The British Government therefore demands that the Government of China shall make good to the British Creditors the Sums due to them by the insolvent Hong Merchants.

The British Government moreover has recently heard of further acts

of violence committed by the Chinese Authorities against British Subjects ; and it may happen that before this Note reaches the Chinese Minister, other things may have been done in China, which may render necessary further demands on the part of the British Government. If this should be, the British Plenipotentiaries are authorised to make such further demands ; and the Undersigned requests the Chinese Minister to consider any additional demands so made, as being as fully authorised by the British Government as if they had been specified in this note.

Now as the distance is great which separates England from China, and as the matter in question is of urgent importance, the British Government cannot wait to know the answer which the Chinese Government may give to these demands, and thus postpone till that answer shall have been received in England, the measures which may be necessary in order to vindicate the honour and dignity of the British Crown, in the event of that answer not being satisfactory.

The British Government therefore has determined at once to send out a Naval and Military Force to the Coast of China to act in support of these demands, and in order to convince the Imperial Government that the British Government attaches the utmost importance to this matter, and that the affair is one which will not admit of delay.

And further, for the purpose of impressing still more strongly upon the Government of Peking the importance which the British Government attaches to this matter, and the urgent necessity which exists for an immediate as well as a satisfactory settlement thereof, the Commander of the Expedition has received orders that, immediately upon his arrival upon the Chinese Coast, he shall proceed to blockade the principal Chinese ports, that he shall intercept and detain and hold in deposit all Chinese Vessels which he may meet with, and that he shall take possession of some convenient part of the Chinese territory, to be held and occupied by the British Forces until everything shall be concluded and executed to the satisfaction of the British Government.

These measures of hostility on the part of Great Britain against China are not only justified, but even rendered absolutely necessary, by the outrages which have been committed by the Chinese Authorities against British officers and Subjects, and these hostilities will not cease, until a satisfactory arrangement shall have been made by the Chinese Government.

The British Government in order to save time, and to afford to the Government of China every facility for coming to an early arrangement, have given to the Admiral and to the Superintendent, Full Powers and Instructions to treat upon these matters with the Imperial Government, and have ordered the said Admiral and Superintendent to go up to the Mouth of the Peiho River, in the Gulph of Pechelée, that they may be within a short distance of the Imperial Cabinet. But after the indignity which was offered to Her Majesty's Superintendent at Canton, in the course of last year, it is impossible for Her Majesty's Government to permit any of Her Majesty's Officers to place themselves in the power of the Chinese Authorities, until some formal Treaty shall have been duly signed, securing to British Subjects safety and respect in China ; and therefore the Undersigned must request that the Chinese Government will have the goodness to send on board the Admiral's Ship the Plenipotentiaries whom the Emperor may appoint to treat upon these matters with the Plenipotentiaries of The Queen of England. Those Chinese Plenipotentiaries shall be received on board the Admiral's Ship, with-

every honour which is due to the Envoys of The Emperor, and shall be treated with all possible courtesy and respect.

The Undersigned has further to state, that the necessity for sending this Expedition to the Coast of China having been occasioned by the violent and unjustifiable acts of the Chinese Authorities, the British Government expects and demands, that the expenses incurred thereby shall be repaid to Great Britain by the Government of China.

The Undersigned has now stated and explained to the Chinese Minister, without reserve, the causes of complaint on the part of Great Britain; the reparation which Great Britain demands, and the nature of the measures which the British officer commanding the Expedition has been instructed in the first instance to take. The British Government fervently hopes that the wisdom and spirit of Justice for which The Emperor is famed in all parts of the World, will lead the Chinese Government to see the equity of the foregoing demands; and it is the sincere wish of Her Majesty's Government that a prompt and full compliance with those demands may lead to a speedy re-establishment of that friendly intercourse which has for so great a period of time subsisted between the British and Chinese Nations, to the manifest advantage of both.

The Undersigned, in conclusion, has the honour to state to the Minister of The Emperor of China that he has directed Her Majesty's Plenipotentiaries to forward to His Excellency the present Note, of which he has transmitted to the Plenipotentiaries a copy, with instructions to cause a Translation of it to be made into the Chinese language, and to forward to the Chinese Minister the Translation at the same time with the original Note.

The Undersigned avails himself of this opportunity to offer to His Excellency the Minister of The Emperor of China the assurances of his most distinguished consideration.

PALMERSTON.

## APPENDIX B

### LORD PALMERSTON TO THE PLENIPOTENTIARIES (ADMIRAL G. ELLIOT AND CAPTAIN C. ELLIOT) APPOINTED TO TREAT WITH THE CHINESE GOVERNMENT

No. 1.

F.O., LONDON, February 20, 1840.

GENTLEMEN,

With reference to my Despatch to Captain Elliot, No. 16 of the 4th of November last, and to the Instructions conveyed to Sir Frederick Maitland by the Lords of the Admiralty on the 4th of November last, I have now to give you final Instructions for your guidance in the performance of the duty which has been entrusted to you, and, in the first place, I transmit to you for your information a copy of the Instructions which have recently been given, through the Lords of the Admiralty,

to the Admiral Commanding the Expedition, and a copy of a letter which I have addressed, in triplicate, to the Minister of the Emperor of China.

You will see by the Instructions given to the Admiral that it is the intention of Her Majesty's Government that the first operation to be performed by the Expedition should be the establishment of a blockade of the Canton River; and I have to desire, that as soon as you arrive at the mouth of that river, you will send up to the Governor of Canton one of the copies of the letter addressed by me to the Chinese Minister, together with a translation thereof into Chinese, which you will cause to be made as accurately as possible, and without departing unnecessarily from the English turn of expression, and without adopting any Chinese forms of language which may not render as faithfully and simply as may be practicable the sense of the original; and you will request the Governor to send the Packet containing the letter and translation to Peking without delay.

The next thing which Her Majesty's Government intend the Expedition to do is to occupy the Tchusan Islands, and to blockade the Estuary opposite to those Islands; the Mouth of the Yang-Tse river, and the Mouth of the Yellow River; and you will, from one of those quarters, endeavour to send on shore, for the purpose of its being conveyed to Peking, another copy of my letter to the Chinese Minister, together with another copy of the Translation thereof.

The last point to which you are to proceed, being the Gulf of Pechelee, you will, when you arrive off the Mouth of the Peiho river, send on shore the third copy of my aforesaid letter, together with a copy of the translation thereof, in order to their being forwarded to Peking; and you will add thereto a communication from yourselves requesting an answer to that letter, stating that you are instructed to wait a reasonable time for such answer, or for the arrival of Plenipotentiaries to treat with you; but that your orders are that, if after a lapse of a certain number of days (which you should specify, making that number such as under the circumstances may appear to you to be reasonable), no answer should be received by you, or if an answer should be received by you which should not hold out a fair prospect of a satisfactory arrangement, then, and in either of those cases, you are to understand that the Government of China refuses to comply with the demands of Great Britain, and you are to shape your further proceedings upon that assumption.

You will accordingly wait the specified time, and if you should then have received no answer, or if the answer received should be wholly unsatisfactory, and not affording any fair chance of bringing matters at that time to a better position by further attempts at negotiation, you will state, in writing, to the Chinese Government that you are obliged by your Instructions to consider that Government as having refused to comply with the demands of Great Britain; that you have no choice but to pursue the line of conduct which has been prescribed to you in such a contingency; and that the hostilities which have been begun will be continued and will be carried on with increased activity.

The Admiral will then find in his Instructions from the Lords of the Admiralty the course which he is to follow; and the Superintendent will continue to remain in Company with the Admiral, in order that the two may be ready to negotiate whenever the Chinese Government shall shew a disposition to do so in good faith, and with a view to a fair adjustment of the matters in dispute.

If the Chinese Government should send Plenipotentiaries on board the

Admiral's ship to negotiate with you, those Plenipotentiaries should be received with every proper courtesy and respect, and should be treated upon a footing of entire equality with the P.P. of Her Majesty. Her Majesty claims no superiority for Her Plenipotentiaries, but can allow none to those of the Emperor.

If the Chinese Government should object to send Plenipotentiaries on board the Admiral's ship, but should propose that the negotiation should be carried on in some other place, you will use your discretion as to accepting or rejecting such a proposal; bearing in mind, that Her Majesty's Government is desirous, on the one hand, that no question of mere form should oppose any unnecessary obstacle to the progress of the Negotiation, but is anxious, on the other hand, that neither of Her Majesty's P.P. nor any of Her Majesty's other officers should place themselves in the power of the Chinese Authorities, before a satisfactory and final settlement has been made.

You will find in the letter which I have addressed to the Chinese Minister, a Statement of the demands which Great Britain makes upon China, and from those demands you should not depart.

It is possible that during the interval which must elapse between the date of the last Accounts which Her Majesty's Government have received from China, and the time when you will enter into communication with the Chinese P.P. additional injuries may have been inflicted by the Chinese Authorities upon British Subjects, affording just ground for further demand for compensation; and in that case you will add such demand to the demands which are specified in this Despatch.

The British Government is entitled to demand full reparation for the affront offered to the British Crown by the indignities put upon Her Majesty's Superintendent, and by the outrageous proceedings adopted towards Her Majesty's other Subjects in China. The British Government is willing to accept as full satisfaction for these proceedings, and as security against their recurrence, the cession of one or more Islands on the Coast, to be fixed upon by the Naval Commander and the Superintendent, as eligible to be occupied as Stations at which Her Majesty's subjects trading to China might reside in safety, under the protection of British authority; and from whence they might securely carry on their commercial intercourse with the principal Ports of the Coast of China.

It will be desirable that the Expedition should take possession of some such Islands, as soon as the Admiral and Superintendent shall have been able to make up their minds as to which of the many Islands on the Chinese Coast would be the fittest for this purpose. Such Stations ought to be conveniently situated for commercial intercourse; not merely with Canton but other trading places on the Coast of China. They ought to have good harbours, and to afford natural facilities for Military defence, and should also be capable of being easily provisioned.

If, however, the Chinese Government should express a wish that instead of making the cession of such Islands, they should give by Treaty, Security and freedom of commerce to H.M.'s Subjects resident in China, the British Government would not object to such an arrangement, and would in that case forego the permanent possession of any Island on the Chinese Coast.

The principal stipulations of such a Treaty ought to be :

That the persons and property of British Subjects resident in China should be secure and free from molestation.

That British Subjects, whether male or female, should be allowed to reside freely and without restraint at some of the principal Sea Ports in China, to be specified in the Treaty ; and that British Subjects should be permitted to trade with any Persons who may be willing to trade with them ; and that they should not be restricted in their dealings to any Hong or Corporation.

That the Sovereign of Great Britain be at liberty to appoint a Superintendent of Trade, or a Consul-General and Consuls in China for the purpose of looking after the Commercial Interests of British Subjects ; and to hold communications with the Chinese Government at Peking, and with its local Authorities, on all Matters upon which such Communications may be necessary. That these officers shall be treated with proper respect, and that no restraint shall at any time be placed upon their persons ; and that their houses and property shall be free from every kind of molestation.

That fixed Duties be established by the Chinese Government to be paid by Foreigners upon all Goods which can legally be imported into, or exported out of China. That these Duties be made publicly known, and that no higher Duties than those which may from time to time be so fixed, shall be levied by the Officers at the Chinese Ports upon Goods imported or exported.

That if any British Subject shall introduce into China, Commodities which are prohibited by the Law of China, such commodities may be seized and confiscated by the Officers of the Chinese Government ; and that if any commodities which may lawfully be imported upon payment of Duty, shall be smuggled into China without any Duty being paid upon them, such smuggled Goods may, upon sufficient proof of the fact, be seized and confiscated : but that in no case shall the Persons of British Subjects be molested on account of the importation or the exportation of Goods.

That the British Superintendent of Trade, or Consul-General shall, if ordered to do so by his own Government, be at liberty to make Rules and Regulations, and to establish Courts of Justice, for the government of British Subjects in China ; and that if any British Subject shall be accused of any offence or crime, he shall be tried by the Tribunal which may be established by the Superintendent or Consul-General for such a purpose ; and that his punishment, if he be found guilty, shall be left to the British Government or its authorities.

These are the principal Stipulations which Her Majesty's Government think the Treaty ought to contain ; but I leave it to your discretion to modify these conditions, or to add others, according to considerations which may be suggested by the local knowledge of Persons who have had experience in these matters.

At all events, if any Agreement shall be come to with the Chinese Government upon the subject of the British demands, that agreement ought to be recorded in the form of a convention, and it should be a condition of that Convention that, until the whole of the engagements taken by the Chinese Government shall have been entirely fulfilled and exercised, Her Majesty's Forces should continue to occupy the Tchusan Islands, or any other position which they may have taken up as a coercive demonstration.



I send you for your guidance the Draft of such a Convention ; you are at liberty to modify and alter it according to your discretion and judgement, under the circumstances of the moment ; but you will take care to adhere to English forms of expression ; and in order to prevent any future doubts, all questions which may arise as to the correct interpretation of the Treaty, must be determined by the English version.

This Convention will, of course, like all others require Ratification ; but it may be acted upon as soon as ratified by the Emperor and without waiting for the Ratification of Her Majesty.

To sum up in a few words the result of this Instruction, you will see, from what I have stated, that the British Government demands from that of China satisfaction for the past and security for the future ; and does not choose to trust to Negotiation for obtaining either of these things ; but has sent out a Naval and Military Force with orders to begin at once to take the Measures necessary for attaining the object in view.

You will be able to determine which are the Ports at which British Subjects ought to be allowed to reside and to trade ; but it is probable that Canton, Amoy, Fou-Tchow-Foo, opposite the North end of Formosa, and Shang-Hae-Heen and Ningpo, at the Mouth of the river Yang-Tsee, would be best calculated for that purpose : and you will bear in mind that Her Majesty's Government do not desire to obtain for British Subjects any exclusive privileges of Trade, which should not be equally extended to the Subjects of every other Power.

Circumstances may happen, and questions may arise which have not been foreseen by Her Majesty's Government ; in such case, you will use your discretion ; guiding yourself according to the spirit of these Instructions.

PALMERSTON.

## APPENDIX C

### LORD PALMERSTON TO REAR-ADMIRAL ELLIOT AND CAPTAIN ELLIOT

No. 4.

F.O., LONDON, February 20, 1840.

GENTLEMEN,

With reference to the Draft of Treaty between Great Britain and China, inclosed in my Dispatch No. 1 of this date, and which is to be proposed by you to the Plenipotentiaries who may be appointed by The Emperor to treat with you, I have to make to you the following additional observations.

Articles I and II, and IV to IX, are articles which Her Majesty's Government regards as conditions sine qua non, without the conclusion of which, or of articles substantially equivalent thereto, hostilities are not to cease.

If the Chinese Government should express a wish that instead of ceding Islands, it should permit British Subjects to establish Factories, and to carry on Trade on the Main land, then the Third Article, which

stipulates for the cession of Islands to Great Britain, should be omitted, and the Articles marked "Commercial" III to VII, should be inserted in the Treaty between the Second and Fourth of the first series of Articles.

The stipulation contained in Article III "Commercial," that British and Chinese Merchants may give and receive coin or bullion in exchange for their commodities, as well as other commodities, might be modified or given up, if the desire of the Chinese Government to prevent the exportation of the precious metals, should induce that Government strongly to object to it.

PALMERSTON.

## APPENDIX D

### LORD PALMERSTON TO REAR-ADMIRAL ELLIOT AND CAPTAIN ELLIOT

No. 8.

F.O., LONDON, March 4th, 1840.

GENTLEMEN,

With reference to the General Instructions contained in my Dispatch No. 1 of the 20th of February, I have to state to you, that if, previously to the receipt of those Instructions, Captain Elliot should have concluded an arrangement in any form with the Chinese Authorities, which should not completely secure the objects specified in my Instructions of the 20th of February, Captain Elliot will immediately announce to the Chinese Government that in concluding such an arrangement he acted entirely without authority, and without knowledge of the views and intentions of the British Government; but that, having now received full information of those views and intentions, he is under the necessity of stating to the Chinese Government, that the arrangement which he so concluded without authority will not be ratified by the British Government; and that the British Government requires from the Government of China, that the questions which have arisen between the two Governments shall be arranged according to the terms which the Plenipotentiaries of Her Majesty have been instructed to propose to the Plenipotentiaries who may be appointed by the Emperor of China to treat with them, and Captain Elliot will add, that the Naval and Military Forces must execute without delay the orders which they have received.

PALMERSTON.

### MEMORANDUM

ENCLOSURE TO No. 8.

The instructions to the Plenipotentiaries in China do not provide for a contingency which does not appear at all unlikely to occur, namely, that Captain Elliot, without waiting for instructions from home, may have patched up his quarrel with the Chinese Government. In that case, the

Plenipotentiaries would be at a loss how to act, and would very probably feel it necessary to refer home before proceeding to the operations prescribed in the present instructions. If, therefore, it is the intention of Her Majesty's Government not to be satisfied with anything less than what they have now required of the Chinese Government, it might be expedient to provide for the contingency above stated by a supplementary instruction to the Plenipotentiaries, stating that if Captain Elliot should in the absence of instructions have concluded any arrangement with the Chinese which did not secure in substance the objects contemplated by the instructions, he (Captain Elliot) must announce to the Chinese Government that he had acted without authority, and that, having now received fuller information of the views of Her Majesty's Government, he is bound to tell the Chinese Government that the arrangement which he has concluded without instructions will not be satisfactory to the British Government, who require from the Chinese Government such an arrangement as that which the Plenipotentiaries have been instructed to make. . . .

## APPENDIX E

### LORD PALMERSTON TO PLENIPOTENTIARIES IN CHINA

No. 1.

F.O., LONDON, January 9th, 1841.

GENTLEMEN,

Although I have not received any Dispatches from you of a later date than the 17th of July, the Admiralty have communicated to me the Dispatches addressed to that Board by Admiral Elliot, numbered 26, 28, and 29, and dated the 15th 22nd, and 29th of September last, reporting your proceedings in the Gulf of Pe-Che-le, and the result of your Negotiations at the Mouth of the Peiho River.

I lose no time in transmitting to you such observations as occur to me on the perusal of those Papers.

In the first place, it seems to me that in your Correspondence with the Chinese Commissioner you have not sufficiently kept in mind the spirit of my Instructions, with regard to the footing of perfect equality on which you were to place yourselves with regard to the Chinese, in your negotiations with them. It is true that the general tenor of the letters of the Chinese Commissioner was civil and unobjectionable; but in some parts of his communications he assumed a tone which ought not to have been passed over by silence on your part; because he must thus have been led to imagine that you acquiesced in the pretensions of superiority on the part of China which were implied in those passages.

In order the better to explain my meaning, I have extracted from Commissioner Keshen's communications the following passages, and have underlined [italicised] the words which convey the objectionable meanings; and I could have wished that you had either returned him his Notes, requiring those objectionable passages to be expunged, or that in your replies you had plainly and distinctly denied the assumptions of superiority

on the part of China, which are therein contained ; and I lay the greater stress upon this, because it is well known that in China, matters which apparently relate merely to forms are considered of substantial importance :

“ FROM THE CHINESE COMMISSIONER, August 28/40

“ He the said Minister, etc., having upon the receipt of a previous date of the Dispatch from the Honourable Nation immediately represented to the Throne, on the Honourable Admiral's behalf, the facts of his *dutiful reverence*.

“ As having to *entreat the Imperial favour* there was no need for them to bring a number of Vessels to War in their Train.

“ He, the Minister, etc., has not pointed this out as a defect in a *reverent sense of duty*.”

“ FROM THE CHINESE COMMISSIONER, August 30/40

“ Regarding further the question of ceding an Island, as a place of Trade for the Honourable Country, it is known that the Celestial Empire grants commercial intercourse to all Countries as an act of grace and privilege ; and that *such as retain a reverential sense of duty* will never be repelled or cut off.”

“ FROM THE CHINESE COMMISSIONER, September 13/40

“ Furthermore, the intercourse of the said Honourable Nation, to and fro, originates in the search after gain. Let now the profits obtained by the said Honourable Nation, since our Empire has allowed it commercial intercourse, be considered, they are such as numbers cannot reckon. *If it can continue to observe a respectful sense of duty*, then when the high Minister Imperially deputed shall reach Canton to make investigation he may perhaps, upon the said Honourable Nation *soliciting again the favour of commercial Intercourse, lay before the Throne a Memorial humbly requesting that the favour may be granted*.”

“ FROM THE CHINESE COMMISSIONER, Sept. 13/40

“ Having experienced during a month past, that the Honourable Admiral *preserves in his language a respectful sense of duty ; that he has abstained from causing any troubles, etc.*

“ And since now the High Commissioner Lin, etc., unable to give substantial effect to the supreme wishes of the Great Emperor, has, by an exclusive violence in the exercise of power, driven the Honourable Superintendent to tell of oppression, the *sacred favour* has been extended to the granting an investigation of the matter.

“ But then *not to obey the Imperial Command and pleasure by returning to Canton, to await such proceedings as may then be taken*, this the Minister deems that one so well enlightened by reason as the Honourable Admiral, must know to be *greatly in contradiction of the principles of deference and respect*.

“ Besides, *under the whole Heaven, there lives none who are not the Children and People of the Great Emperor*.

“ The aim of the Honourable nation is a commercial Intercourse.

"The said Honourable Nation's Sovereign has sent the Honourable Admiral fundamentally with the desire of maintaining the accustomed commercial intercourse, whereby boundless profit is enjoyed.

"The Minister, etc., holding the high office that he does, is bound to embody the Great Emperor's feeling, that within and without, all form one family; and therefore while calculating for the Celestial Empire, it behoves him also to calculate for the Honourable Nation, and so also must calculate for the Honourable Admiral.

"Should there appear no prospect of a termination to this affair, and should the Honourable Nation's Sovereign, on the ground of the Honourable Admiral being unable to settle it, send out another officer, that person who shall succeed, knowing that the Honourable Admiral's measures resulted in no settlement, will surely pay respectful obedience to the declared pleasure of the Great Emperor, by returning to Canton there to await arrangements being made.

"If the Honourable Admiral respectfully obey the declared Imperial pleasure, and return to the Southward, there to await the speedy arrival of an Imperially deputed High Minister to arrange the affair, although it is well known that the Value of the opium does not amount to much, it will be sought by all means to enable the Honourable Admiral to have that wherewith to respond to His Honourable Nation's Sovereign; and the Honourable Superintendent also can then receive amends and satisfaction for his past grievances and injuries."

It appears further, by the answer which you returned on the 15th of September to the Chinese Commissioner's two communications of the 13th, that you stated to the Chinese Commissioner, that your decision to proceed to Canton was taken "*in compliance with the pleasure of the Emperor, conveyed to you by the Chinese Commissioner.*"

It is true, that a denial was given by Captain Elliot, in a conference with Keshen, to the assertion, that Lord Macartney and Lord Amherst were Tribute Bearers; but I should have been glad to have seen that in answer to the passages in which the Emperor's Commands were signified to you to go to Canton, you had replied, that you came to China to obey and fulfil the orders of your own Sovereign; and that you could not permit any Chinese Officer to signify to you orders from the Emperor of China. It seems to me, that Captain Elliot, the Superintendent, is disposed to act upon an erroneous principle in his dealings with the Chinese; and to use too much refinement in submitting to their pretensions, and in acquiescing in, and imitating their forms of proceeding. Such a course might be expedient when the British Agent had no force to back him in a firmer mode of proceeding; but could not be necessary in the position in which you were placed, by the presence of a British Naval and Military force in the China Seas.

With respect to the Negotiation itself, it appears that at the date of your Dispatches, the Chinese Government was prepared to consent to grant compensation for the opium which was seized at Canton, and to open the Trade at Canton upon some stipulations for future security; but that the Chinese Government had as yet refused to cede an Island; and in Captain Elliot's report of his conference with the Chinese commissioner, no mention whatever is made of the British Demand for the expences of the Expedition—and it is to be observed upon this point, that the Chinese Commissioner, in his communication of the 13th of September, assumes that the expence is to be borne by Great Britain, while you, in your reply, do

not state, as I should have expected you to do, that, on the contrary, this expence will fall upon China, and that therefore the longer an arrangement is delayed, the more the Government of China will have to pay.

It is difficult for Her Majesty's Government to judge whether it was or was not expedient for you to consent to go back to Canton to negotiate; and the propriety of your decision in this respect must be determined by the result. But I have to observe: First, that in agreeing to this, you departed from the letter of your Instructions, which, however, you were authorized to do at your discretion and upon your own responsibility. And Secondly, that it would have been desirable that you should not have described your acquiescence in this removal as being a compliance on your part with the pleasure of the Emperor, especially after the removal to Canton had been stated by the Chinese Commissioner as an *Order from the Emperor which you were bound to obey*. It is evident that the presence of the British Force to the Northward of Canton has produced a great and most useful impression upon the Government of China; and therefore it might be presumed that you would have negotiated with most advantage there, where the presence of the British Force excited the most apprehension; and if delay be the object of the Chinese Government, it is manifest that this object can better be obtained by negotiating at Canton, at the Southern extremity of the Empire, than by negotiating at the mouth of the Peiho River, or at any other point nearer than Canton to Peking.

The main reason assigned by the Chinese Government for wishing to transfer the negotiation to Canton was, that they were going to send a Commissioner thither to enquire into the conduct of Lin, and, therefore, when you consented to the transfer, you seemed to admit that something or other, in regard to compliance or non-compliance with the British demands, was to depend upon the result of the enquiry into Lin's conduct.

Now, I observe that it was very properly stated to Commissioner Keshen by Captain Elliot that it was a matter of indifference to the British Government whether Lin was punished or not; and you might have urged, therefore, that as you had not been instructed to make any demand for the punishment of Lin, there was no reason why the negotiation should be sent to the City of Canton, at the other extremity of the Empire, merely because a Person was going to that City to carry on an investigation for the satisfaction of the Emperor of China; that the British Government had desired you to obtain a definite answer from the Emperor of China before you left the Gulf of Pechellee; and had ordered the Admiral to act according to the nature of that answer; and that although you much regretted being unable to comply with the Emperor's wishes, by going all the way back to Canton, nevertheless you could not do so unless you received before a satisfactory answer upon all the points to which the British Demands related.

I have no doubt, however, that you had good grounds for agreeing to the removal of the Negotiation to Canton, and I can conceive that the advanced period of the season, the approach of the Northerly Monsoon, and the sickness which prevailed among the Troops on shore, and among the Crews of the Squadron may have led Admiral Elliot to think that it would not be judicious to undertake any active hostilities till the Spring; and if you had good reason to think that the demands you have been instructed to make, would, at that moment, have in the first instance been refused, you may have exercised a sound discretion in endeavouring to carry your

objects by Negotiation, during the interval which must necessarily intervene before any effective Measures of coercion could be resorted to.

I think it proper thus to send you at once these observations, which have occurred to me upon a perusal of the despatches communicated to me by the Admiralty; but I trust that in the further progress of the Negotiation you will have obtained all those conditions which your instructions stated to be indispensable; and that by the aid of that support which you will have derived at the presence of the British Naval and Military Forces, you will also have succeeded in carrying the other Points, or at least such of them as are the most essential.

PALMERSTON.

## APPENDIX F

### LORD PALMERSTON TO REAR-ADMIRAL ELLIOT AND CAPTAIN ELLIOT

No. 4.

F.O., LONDON, February 3, 1841.

GENTLEMEN,

Your Dispatch No. 4 of the 29th of September, 1840, has been received: Your Dispatch No. 3 has not yet been received.

It is with great regret that Her Majesty's Government have learnt that the British Subjects mentioned in your Dispatch No. 4 have fallen into the hands of the Chinese. But Her Majesty's Government entirely approve of the course pursued by the British Naval Officers for the purpose of recovering those persons; and Her Majesty's Government hope that these measures, and the Note addressed by Admiral Elliot on the 29th of September to the High Commissioner in Chekiang, will have had the effect of procuring their release.

You state in your Dispatch, that carefully considering the extensive nature of the demands made by Her Majesty's Government upon that of China, and considering also the whole of the circumstances at the time when you wrote, you felt it incumbent upon you to express your opinion, that it was doubtful that you would be able to obtain a full acquiescence in all those demands without protracted hostilities. But that on the other hand, you believed that there would be no great difficulty in obtaining an early and temporary settlement which should include compensation for the opium forcibly seized at Canton; probably the acquisition of an Insular Station near Canton; and the opening out of the Trade at that point upon an extended, solid, and improving footing; on condition that the British Forces shall consent to evacuate Chusan. And you state that although you will use your heartiest efforts to fulfil all the objects of Her Majesty's Government, you request that early Instructions may be forwarded to you, founded upon the above mentioned views.

I have accordingly to state to you, that as at present informed, Her Majesty's Government adhere to the Instructions sent to you on the 20th of February, 1840. These Instructions were founded upon a great variety of communications received from many persons well acquainted

with China, and who, without concert or communication with each other, gave to Her Majesty's Government opinions tending very nearly to the same conclusions. It was upon the result of that mass of information that Her Majesty's Government were led to determine what was the extent of the demands which it would be proper to make; on the one hand with reference to the future advantage and security of our commercial intercourse with China, and on the other hand with regard to what it was probable the Chinese Government might be persuaded, or, if necessary, be compelled to grant. And the same information led Her Majesty's Government to think that the Measures of coercion pointed out in the Instructions of the 20th of February, 1840, would be sufficient for the accomplishment of their purpose.

It is true that some of those Measures have proved, according to your Reports, to be less easy of execution than Her Majesty's Government had been led to suppose. It seems from what you have stated, that an effective Blockade could be established only on some specific and limited portions of the Chinese Coast, unless a much larger number of small Vessels were sent to the China Station than are there now. And Admiral Elliot had, in the opinion of Her Majesty's Government, exercised a sound discretion in not carrying into effect, up to the date of your last received Dispatches, the orders to detain Chinese Junks. On the other hand, some of the measures which were intended to sway the determinations of the Chinese Government, seem to have had all the moral effect which Her Majesty's Government could have anticipated; and it appears evident to Her Majesty's Government that the visit of a portion of the Squadron to the Gulph of Pechelée; the entrance of the "Madagascar" Steamer within the very mouth of the Peiho River; the occupation of Chusan; and no doubt also the damage done by the "Blonde" to the Batteries at Amoy; had produced a very deep impression upon the Imperial Government of Peking, and had excited in their minds great uneasiness and alarm. This was made manifest by the extreme anxiety evinced by the Emperor to remove the Negotiation from the neighbourhood of Peking to the opposite extremity of the Empire; and to obtain the early evacuation of Chusan.

But Her Majesty's Government had been informed by many persons well acquainted with China, that Military and Naval operations, or even a mere occupation of a portion of Chinese territory, would be effectual in its influence upon the Chinese Government in proportion as the scene of such operations and occupations was to the Northward, and near to Peking; and therefore, as well as for other reasons, it was, that Her Majesty's Government selected the Chusan Islands as a point for immediate occupation, instead of an Island at the Mouth of the Canton River; and therefore it was, that the Plenipotentiaries were instructed to go up to the Gulph of Pechelée for the purpose of Negotiation.

Her Majesty's Government think that, under all the circumstances of the case, you were right in acceding to the Emperor's proposal that you should transfer the seat of negotiation to Canton. The advanced period of the Season would have prevented the Admiral from carrying on any effectual operations on the Northern Coast, if he had determined to consider the circumstance that our demands had not been acceded to, as being tantamount to a positive and final refusal; and the sickness which had prevailed among the Troops and Ships' Companies would have rendered effectual operations difficult, even if the time of year had been better adapted for them. Moreover the Communications made by the Chinese Commissioner did not fall within the description contained in my



Instruction of the 20th of February, 1840, as rendering further Negotiation apparently hopeless; but on the contrary, justified you in thinking that further Negotiations might be successful.

Her Majesty's Government however concur in the views expressed to you by the Governor General of India in his Letter of the 20th of November, 1840, with respect to the course to be pursued by you in conducting the Negotiation which was to be opened at Canton; and Her Majesty's Government do not doubt that you will have guided yourselves by that Letter, as well as by my Instructions of the 20th of February, 1840.

There is one point, however, in the above mentioned Letter from the Governor General, in which Her Majesty's Government do not entirely concur; and that is the recommendation that if the Negotiation should be broken off, an Island at the Mouth of the Canton River, such as might serve as a depot and base for further operations, and whatever Island or Islands might, upon careful consideration, be thought suitable as Naval or Military Stations, or as British Settlements for Trade, should be declared to be permanently annexed to the British Dominion, and placed under the protection of the British Crown. Her Majesty's Government think that it might be inexpedient to fetter the future discretion of the Crown by such an immediate declaration. The object, of which the Governor General evidently contemplates the attainment, by such a declaration, is to inspire confidence into the minds of the Chinese Inhabitants of the Islands to which such declaration might apply, so that they might be induced at once to enter upon free intercourse with the British occupants.

But in your Instructions of the 20th of February, 1840, it is provided that if the Chinese Government should prefer concluding a Treaty of Commerce rather than to cede an Island, such an equivalent for the cession of an Island would be accepted by Her Majesty's Government; and in that case, the British Forces would have to evacuate the Islands in question, after having declared them permanently annexed to the British Crown; or else you would be unable to give to the Chinese Government the alternative of a Commercial Treaty, which might probably be the alternative the most advantageous to British Interest, as well as the least repugnant to the feelings of the Chinese Government.

With respect to the selection of an Insular Station, if that should be the arrangement determined upon, it seems to Her Majesty's Government that an Island, somewhere on the Eastern Coast, and either in the Chusan Group, or not far from it, would, for all commercial purposes, be by far the best; because it would afford to British Trade an opening to the wealthy and populous countries and Cities on the Central part of the Eastern Coast of China, and would, by means of the Great Canal and of the large Rivers whose Mouths lie in that quarter, give to British Commodities an easy access to the interior of the Chinese Empire. Therefore, although it might be convenient to have also some secure Station at the Mouth of the Canton River, the main point to be gained is a position off the East Coast; and this should not be given up in the Negotiation, except on the condition of free liberty to trade with, and to establish Houses and Factories in, some of the principal Seaport Towns on that Coast.

There is but one consideration which leads to a contrary conclusion, and that is, the consideration of health. It appears that the Troops and Ships' Companies employed at Chusan and in its neighbourhood have been

attacked by illnesses, which, though not in many instances fatal, have been most general in their range, and extremely debilitating in their effects; and Her Majesty's Government have lately been informed that such illnesses are endemic and periodical in Chusan, recurring invariably at the same season of the Year.

There seems, however, reason to believe that the sickness which has prevailed among the Land and Sea Forces employed on the East Coast of China, has been swelled to the great extent which it has reached, by peculiar and accidental circumstances, and that the same degree of illness would not have been experienced by Civilians engaged in Commercial pursuits, or by a Garrison permanently stationed, and carefully provided with the means of preserving health. But if it should, upon strict and searching enquiry, turn out that there is something in the Climate of Chusan irremediably deleterious to European constitutions, that circumstance, which should however not be lightly or hastily taken for granted, might afford a sufficient reason for fixing upon some other Insular position as the Station to be permanently retained; and, in that case, it might be proper to evacuate Chusan in order to occupy the other Station. But you should bear in mind, that unless the British Forces continue to occupy something more than that which is to be permanently retained, so as to have something to give up when the Chinese Government shall have paid the last instalment of the money compensation, Her Majesty's Government can have no sufficient security that the Instalments which may be agreed upon, will be paid at the stipulated times and amounts.

With regard to the terms which you say in your Dispatch of the 29th of September you think you may be able to obtain as a temporary arrangement, I have to state to you in the first place, that Her Majesty's Government understand you to mean by the expression "temporary arrangement," a provisional arrangement, to last only till you can receive the further Instructions which in that Dispatch you asked for, because you must doubtless see that the British Government having made a considerable and expensive effort to send a respectable Force to China, to demand redress for the past, and security for the future, could not be content with any arrangement which did not fully provide for the first of these demands, and did not at the same time permanently attain the object of the second. I have already said that with respect to the demands to be made and to be enforced, Her Majesty's Government, as at present informed, see no reason to alter the Instructions sent to you in February of last Year. But if Her Majesty's Government should learn hereafter from you that you had taken upon yourselves the responsibility of making a different arrangement subject to the decision of your Government, the conditions of such arrangement, and the reasons upon which you may have been induced provisionally to agree to it, will be fully and fairly considered.

With regard, however, to the points to which you advert in your Dispatch of the 29th of September, I have to state that Her Majesty's Government would be very unwilling to sanction any Settlement which did not secure to Great Britain the full amount of pecuniary Compensation which has been demanded; and Her Majesty's Government conceive that the Naval and Military Force now in the China Seas would be strong enough to seize a sufficient quantity of Property belonging to the Government of China, to compel that Government to consent to the whole of this demand, even if it were at first to refuse to comply with some part of it.

Then with regard to the Insular position to be permanently retained, Her Majesty's Government conceive that the Chinese have no power to drive Her Majesty's Forces out of any Island on the Coast which may be selected for a permanent Station; and that consequently it rests rather with yourselves to inform the Chinese Plenipotentiaries which Island or Islands Her Majesty's Government intend to retain, than for the Chinese Plenipotentiaries to inform you which Island or Islands the Emperor of China intends to cede.

The third demand of importance is security for the persons and property of British Subjects resorting to China for purposes of Trade, while China and Great Britain are at peace; and the ready argument by which to enforce that demand is to say that, until it is conceded, the property of The Emperor, and the persons and property of His Subjects, can enjoy no security from Her Majesty's Forces. The Chinese Plenipotentiaries may perhaps say, that such security will be granted at Canton; but that access cannot be allowed to any other Town in the Empire; To this pretension, if made, you will reply, that it is founded upon a principle of Monopoly on the part of the Chinese Merchants at Canton, or upon the assumption of degradation or inferiority on the part of British Subjects as compared with the Chinese Nation; and that Her Majesty's Government can neither submit to the Monopoly, nor acknowledge the inferiority.

Nevertheless, if you should find that, all other points being conceded, the Chinese Government was positively determined to stand out upon this, and that compliance with this demand could only be obtained by a recourse to hostilities; you are, in such case, authorised to substitute for it a condition that, if there be ceded to the British Crown an Island off the Eastern Coast of China, to serve as a Commercial Station for British Subjects, the Chinese Merchants and Inhabitants of all the Towns and Cities on the Coast of China shall be permitted by the Chinese Government to come freely, and without the least hindrance or molestation, to that Island for the purpose of trading with the British Subjects therein established. Such a stipulation, faithfully executed, might be a sufficient equivalent for permission to British Subjects to reside in and trade to the Eastern Ports, and in all probability would, at no distant time, lead to the granting of such permission.

It is desirable that the Sums to be paid by China as compensation to the British Government and to British Subjects, should come out of the Imperial Resources, and not be levied upon British Commerce by increased duties upon Exports and Imports at Canton; and you will therefore take care so to fix the amount and periods of the Instalments, as to render such an evasion impossible. It is very likely with a view to some arrangement of this kind, that the Chinese Government is so anxious to confine British Trade to the one Port of Canton; because if British Merchants have access to other Ports, it will be more difficult, if not impossible, to enforce upon them the extortions which are practicable when their Trade is confined to one single Channel.

PALMERSTON.

## APPENDIX G

### LORD PALMERSTON TO CAPTAIN ELLIOT, R.N.

Private.

F.O., LONDON, April 21, 1841.

MY DEAR SIR,

As a transport is sailing for Hong Kong I avail myself of the opportunity to write you a Private Letter, though, the Cabinet not having yet re-assembled after the Easter Holidays, I am not able to send you a Despatch to inform you of the final decision of the Government on China affairs. Besides, my reports from you are as yet incomplete. My last Despatches from you are the 5th, 13th, and 21st January of this year, being Nos. 1, 4, & 5; Numbers 2 & 3 have not yet been received.

It is with great regret that I have to express to you my extreme disappointment at the Result of your Negotiations, and my disapproval of the manner in which you have conducted them.

I furnished you with full and ample and positive Instructions, and the British and Indian Governments placed at your disposal a large and adequate Force.

I told you specifically what the Demands of the British Government were, I ordered you to obtain them, and you had given to you the means of doing so. You have disobeyed and neglected your Instructions; you have deliberately abstained from employing, as you might have done, the Force placed at your disposal; and you have without any sufficient necessity accepted Terms which fall far short of those which you were instructed to obtain. If you had demanded all that we ordered you to demand, and if upon a refusal of those Terms by the Chinese Government you had called upon the Military and Naval Force to act; and if that Force, having done its utmost had failed, after full experiment, in coercing the Chinese Government and in bringing them to accede to our demands, you might perhaps have been justified in accepting less than we asked, in order to extricate us by an immediate arrangement from further failure, or from the necessity of much greater efforts; but even in such a case you would have done better to refer home for Instructions before you concluded any arrangement.

But our Forces by Sea and by Land had been everywhere successful. We had taken Chusan without loss, and had retained it in perfect security, from the attacks of the Chinese; and we might have kept it as long as we chose. We had shown at Amoy, and at the Lower Forts in the Canton River, the facility with which our irresistible Navy could vanquish every Chinese Force which it could get at. The presence of our Squadron at the Mouth of the Peiho had evidently produced a deep impression on the Government at Peking, our occupation of Chusan was obviously to them a cause of intense uneasiness and anxiety; and it was manifest from the success of our attack on the Lower Forts in the Canton River that if you had not most unaccountably stopped the attack on the Upper Forts, those Forts also would have been in our possession before the close of the Day.

If your omission to employ the Means placed at your disposal had been

followed by full success in Negotiation, I should have applauded you for obtaining our objects by fair means rather than by force. But when you found that you could not get what you were ordered to obtain, without the full employment of that Force which was sent to you expressly for the purpose of enabling you to use compulsion, if persuasion should fail, I cannot understand why you omitted to employ that Force for the very purpose for which it was sent, and why you accepted inadequate conditions without at least trying whether your Means would not enable you to obtain the full extent demanded.

Throughout the whole Course of your proceedings, you seem to have considered that my instructions were waste Paper, which you might treat with entire disregard, and that you were at full liberty to deal with the interests of your Country according to your own Fancy.

You were instructed to demand full compensation for the opium which you took upon you two Years ago to deliver up at Canton.

To ask Parliament to pay the Money was utterly out of the question, but we told you to compel the Chinese Government to pay it, and we gave you the Means of compelling them to do so. You have accepted a Sum much smaller than the amount due to the opium Holders, and you have agreed to spread the payment of it over so great a space of time, and through such small Instalments, that it will be paid not by the Chinese Government, but by our own Merchants in the Shape of additional Duties on our own goods.

You were told to demand payment of the expences of the Expedition; and payment of the debts due by the Hong Merchants; You do not appear to have demanded either the one or the other.

You were ordered to retain Chusan, until the whole of the pecuniary Compensation should be paid; and to require that an Article to that effect should be inserted in the Treaty to be signed with the Chinese P.P. and to be ratified by the Emperor: You have agreed to evacuate the Island immediately, and have submitted to a Refusal on the part of the Chinese to let there be any Treaty whatever signed by the Emperor.

You have obtained the Cession of Hong Kong, a barren Island with hardly a House upon it; and even this Cession as it is called, seems to me, from the conditions with which it is clogged, not to be a cession of the Sovereignty of the Island, which could only be made by the signature of the Emperor, but to be a permission to us to make a Settlement there, upon the same footing on which the Portuguese have an establishment at Macao.

Now it seems obvious that Hong Kong will not be the Mart of Trade, any more than Macao is so; that the Trade will still continue at Canton; and unless you shall have obtained in your further Negotiations all the securities which we demanded for our Residents in China, Matters will remain practically just as they have been; our Commercial Transactions will be carried on as heretofore at Canton, where our Merchants will be as hitherto at the Mercy of the Chinese; but they will be able to go and build Houses to retire to, in the desert Island of Hong Kong, instead of passing the non-trading Months at Macao. However, it is possible that I may be mistaken in this Matter; and that Hong Kong may secure to us the same trading advantages which we have hitherto enjoyed at Canton, with the additional benefit of Freedom from molestation of Persons or Property. But still you will have failed in obtaining that which was a Capital point in our view; an additional opening for our Trade to the Northward; and that object would have been attained by the retention of

Chusan even during the time allowed for the payment of the Instalments of the Money.

I am concerned also to observe that throughout the whole of your Correspondence with Keshen, you have allowed him to assume a tone of Superiority, and have yourself taken up a position of inferiority.

Your personal rank was no doubt inferior to his; but as the Plenipotentiary of The Queen, you were at least his equal, and you ought to have maintained that position.

There are other points in regard to which you have not acted up to your Instructions, as you will see by the accompanying comparison which I have caused to be prepared.

You will no doubt, by the time you have read thus far, have anticipated that I could not conclude this Letter without saying that under these circumstances, it is impossible that you should continue to hold your appointment in China.

I can assure you that it is with great and sincere regret, that I find myself unavoidably led to this conclusion; but being convinced that I cannot consistently with my public Duty continue to place in your Hand the public Interests with which you have been charged, I think it but right towards you to take the very earliest opportunity of telling you so.

You shall be informed as soon as possible, who your Successor is to be, and how soon he will arrive to replace you. I have not as yet mentioned this intention to any but my Colleagues in the Cabinet.

PALMERSTON.

STATEMENT shewing what part of the Instructions to the Plenipotentiaries in China have been obeyed, and what part disregarded; and what part of the British demands on China have been obtained, and what part have been abandoned.

F.O., April 20, 1841.

## A. INSTRUCTIONS

### RESULT

No. 1, Feb. 20, 1840. To blockade the Canton River.

Done, but not completely, because the inner Channel from Macao to Canton was not closed.

To send up to Canton one Copy of Lord Palmerston's Letter to the Chinese Minister.

Not done. Captain Elliot states that he abstained from doing this because it was inadvisable to let the Chinese Authorities at Canton have the earliest knowledge of what the British demands were.

To occupy the Chusan Islands.

Done.

To blockade the Estuary opposite to the Chusan Islands, the Mouths of the Yang-Tse-Kiang and of the Yellow River.

Done to a certain extent, but the partial blockade was afterwards abandoned in consequence of a truce with the Chinese.

To send up from One of the three Estuaries mentioned above, or from Chusan, a second Copy of the Letter to the Minister of China.

The letter was sent on shore at Ningpo; but was returned to the Plenipotentiaries by the Chinese Authorities.

To go on to the Gulf of Pechelee, thence to send the third copy of the Letter to the Chinese Minister, and to wait for a communication in reply.

Done.

If such communication should not hold out a fair prospect of a satisfactory arrangement, to continue hostilities. If the Chinese Government should decline sending Plenipotentiaries to the Admiral's Ship, the Plenipotentiaries were to use their discretion as to proceeding to some other place to negotiate.

The Plenipotentiaries considered the result of their proceedings at the Mouth of the Pei-ho to be such as to justify them in consenting to go back to Canton to carry on the Negotiation at that place.

The Chusan Islands or such other territory as might be taken possession of to be held until all the demands of Her Majesty's Government had been complied with, and the whole of the indemnity paid.

Captain Elliot has agreed to the immediate restoration of Chusan [Note to Keshen, Jan. 14, 1841, Inclos. 2 in No. 5]; and that the two Forts in the Canton River, captured on the 7th of January, should be restored as soon as Keshen should have declared Hong Kong to be ceded to Great Britain. [Inclosure 3 in same Dispatch.]

Any Agreement that might be come to with the Chinese Authorities on the subject of the British demand, to be recorded in the form of a convention to be ratified by the respective Sovereigns, one Article of which Convention should stipulate for the retention, until all the engagements of the Chinese Government had been fulfilled, of the Chusan Islands or other positions, which might have been occupied by the British Forces.

Keshen in his Note of Jan. 2, 1841, consents that the points of agreement shall hereafter be reduced to writing in a connected form, but he positively refuses that the Imperial Signet shall be affixed to the documents; and therefore it seems very doubtful whether it will assume the form of a Convention according to European Ideas. In fact, since Keshen's arrival at Canton, he had continually declined to meet Captain Elliot for the purpose of discussion, saying that to do so would be "contrary to what dignity requires"; but he at last consented to meet Captain Elliot once to settle details, when all the main points should previously have been settled by Correspondence. [Note from Keshen, Jan. 2, 1841. Inclosure 16 in No. 1.]

The Admiral was instructed to seize and hold in deposit Chinese Ships and Property.

The Admiral reported his reasons for not at once acting upon this Instruction which were approved by H.M.'s Government.

The Plenipotentiaries were instructed (No. 11, April 25, 1840) to endeavour to obtain some stipulation to prevent the imposition of excessive duties on British Manufactures, on their transit into the interior of China.

It does not appear that anything has been done on this point.

The Plenipotentiaries were instructed to maintain a footing of perfect equality with the Chinese.

This Instruction has been very imperfectly obeyed. There is scarcely a Note from the Chinese Minister, but characterizes the British demands as entreaties; urges the reverence due from the British Nation to The Emperor, and speaks of entreating favour from The Emperor on its behalf. The evacuation of Chusan is continually insisted upon as a proof of a dutiful and obedient spirit, absolutely necessary before any favour can be granted. Although Captain Elliot has once or twice made some stand against the assumptions of superiority on the part of the Chinese Minister (as for instance in his Note to Keshen of Jan. 5, 1841, Inclosure 17 in No. 1 of 1841), yet in general these assumptions have been suffered to pass entirely unnoticed; and even some of Captain Elliot's own Notes are written in a tone not consistent with equality.

## B. DEMANDS

### RESULT

1. Compensation for the opium extorted from the British Merchants in 1839 by Commissioner Lin: to be paid, as well as the amount of other pecuniary demands, in 2 or 3 years by half-yearly Instalments with Interest. [Letter to the Minister of The Emperor of China. Draft of Treaty Articles iv and vii.]

*Note.*—The amount of this Compensation was not fixed, and must depend upon the value put upon the opium seized. If valued at 500 dollars per Chest, the price agreed by Captain Elliot to be paid for 523 58/100 Chests procured of Messrs. Dent & Co., to make up the number of 20,283 Chests stipulated to be surrendered, the total value would be 10,141,500 dollars. But this will probably be found to be above the real value of the opium at the time of the seizure, because the price had been enhanced when the purchase was made of Messrs. Dent & Co., by the previous Agreement to surrender so large a quantity, and in Captain Elliot's Notice of May 23, 1839, issued at Canton on leaving that place, he says that with a view to uniformity and general clearness, all claims for British property left behind [in Canton] should be drawn up as far as may be practicable on Invoice Cost. In a Dispatch marked "Secret" dated April 3, 1839, Captain Elliot stated that Five Millions Sterling would not do more than cover the great losses sustained.

The whole amount of indemnity obtained by Captain Elliot is 6,000,000 dollars, to be paid in Instalments between 1841 and 1846, but without interest. The Chinese Minister positively and repeatedly refused to admit the payment of this compensation to be an engagement on the part of The Emperor; but said that he, the Minister, would himself find the means of paying it, as an arrangement on his own part. The demand for interest was refused by Keshen, and Captain Elliot assented to the refusal.

2. Satisfaction for the affront offered to the Crown by the indignities put upon the Superintendent. [Letter to Minister of The Emperor of China.]

See answer to Demand No. 4.



3. Right of official intercourse for the future on an equal footing. [Letter to Minister of The Emperor of China. Draft of Treaty, Art. ii.]

The Chinese Minister assented to this demand (Dec. 11, 1840) so far as regards the discontinuance of the characters "Pin" address, or Petition, and "Yü" Command. [Inclos. 3 in Capt. Elliot's No. 1 of Jan. 5, 1841.]

4. Cession of one or more Islands on the Coast, as places of residence, and commerce for British Subjects.

*Note.*—Compliance with this demand was to be considered as a satisfaction for the affront to the Superintendent. [Draft of Treaty, Art. iii.] And the Plenipotentiaries were authorized, if the Chinese Government were unwilling to accede to this Stipulation, to accept a Treaty of Commerce as an alternative.

In ignorance of Captain Elliot's proposals of Jan. 8, 1841, it is impossible to state clearly what was agreed to on this point; but it would appear that the Island of Hong Kong had been ceded as a place of Settlement; clogged, however, with a condition that all duties are to be paid there in the same manner as they have hitherto been paid at Whampoa; that is (it is presumed) that they should be assessed and collected at Hong Kong by Chinese officers. In fact, it does not clearly appear that Hong Kong is ceded to Great Britain in absolute Sovereignty. On the contrary, from some expressions in Captain Elliot's Note to Keshen of Dec. 29, 1840 (Inclosure 15 in No. 1 of 1841) it may be inferred that all that is intended is, that Hong Kong shall be held by England in the same manner as Macao is held by Portugal.

5. In either alternative, namely, of Cession of Islands or Treaty of Commerce, the opening of other Ports to the Northward, and the residence of Superintendents or Consuls at such Ports. [Instructions to P.P., Feb. 20, 1840. Draft of Treaty, Art. i. and ii.]

Ultimately rejected.—It appears in the course of the Correspondence, that Keshen at one time assented to the opening of one additional Port as a station for Trade; but as he refused to allow of any Establishment on shore, or even of British Subjects landing, and would consent only to their trading on board Ship, Captain Elliot declined to accept the proposition. Captain Elliot afterwards abandoned the demand for additional Ports, on Hong Kong being ceded. [Notes from Keshen to Captain Elliot, Dec. 15, 1840, and from Captain Elliot to Keshen, Dec. 17 and 29, 1840. Inclosures 5, 7, and 15 in No. 1, 1841.]

6. Payment of balance of Debts due to British Subjects by insolvent Hong Merchants. [Letter to Minister of China, Draft of Treaty, Art. v.]

This point does not appear to have been brought forward by the Plenipotentiaries.

7. Compensation for Expence of the Expedition. [Letter to Minister of China. Draft of Treaty, Art. vi.]

Same remark.

8. Compensation for any additional injuries that might have been

inflicted upon British Subjects in the interval which would elapse before the receipt of the Instructions of H.M.'s Government in China.

Same remark.

9. Amount of all pecuniary indemnities under §§ 1, 6, 7, 8 to be paid, with interest, by half-yearly Instalments, in 2 or 3 years. [Draft of Treaty, art. vii.]

The indemnity of 6,000,000 dollars to be paid between 1841 and 1846, without Interest. [Note from Capt. Elliot to Keshen, December 29, 1841. Inclosure in No. 1, of 1841.]

10. Abolition of the Hong Monopoly. [Draft of Treaty, Art. v. Instructions to P.P., Feb. 20, 1841.]

This does not appear to have been distinctly brought forward.

Abolition of Hong Monopoly.

Freedom to deal with and employ any persons whatsoever.

Establishment of a Tariff.

Prohibitions against the importation of any particular Article, to extend to all Nations impartially.

Any favour granted to a foreign Power, to be extended to Great Britain.

Smuggled commodities may be confiscated.

Superintendent to have power to establish Courts of Justice.

These Stipulations were to be proposed as Articles of a Commercial Treaty, if the Chinese Government preferred that alternative to ceding an Island. It may be inferred from expressions used incidentally in the Correspondence between Captain Elliot and Keshen, that some of these points may still come to be discussed among the "details" remaining to be settled.

## APPENDIX H

### LORD PALMERSTON TO CAPTAIN ELLIOT

No. 9.

F.O., LONDON, May 14, 1841.

SIR,

With reference to the Proclamation which has appeared in the Newspapers of this Country, issued by you to Her Majesty's Subjects in China, in which you declare the Island of Hong Kong to be annexed for ever to the British Dominions, I have to observe to you that no part of the Territory belonging to one Sovereign can be ceded and made over to another Sovereign, except by a formal Treaty, ratified by the Sovereign by whom the cession is made, and that no Subject has the power to alienate any portion of the territory of his Sovereign. Consequently, the agreement made by Keshen that Hong Kong should be ceded to the British Crown, even if that Agreement had been recorded in the formal shape of a Treaty, would have been of no value or force until it had been ratified by The Emperor of China.

Your Proclamation was therefore entirely premature, inasmuch as it does not appear that any formal Treaty for the cession of Hong Kong had been signed between you and Keshen; and at all events, it is certain that at the time when you issued your Proclamation, no such Treaty, even if signed by Keshen, had been ratified by the Emperor.

PALMERSTON.

## APPENDIX I

### C. ELLIOT TO LORD AUCKLAND (GOV. GEN. OF INDIA)

MACAO, 21st June, 1841.

MY LORD,

I have now the honor to acknowledge Your Lordship's despatch No. 590 of the 10th Ultimo.

Your Lordship's opinion that it was wise and right to spare the City of Canton in the Month of March last, has afforded me great satisfaction. The immediate practical results of that policy have been the despatch of upwards of 20,000 Tons of British Shipping, lying here at an enormous expence, with the main body of the exports of the commercial year (ending on the 30th Instant) amounting in the whole to little short of 30 Millions of pounds of tea, chargeable with a duty to the Public of about £3,000,000.

I shaped my proceedings on that occasion upon the perception, that the Single mode of effecting these vast objects with the necessary degree of celerity (involving, of public and private money, at least 8 millions Sterling) would be temporarily to prop up, and make use of the existing machinery. But, My Lord, momentous as these interests were, it was by no means for the sake of any considerations of a merely immediate nature, that I have labored so anxiously, and amidst a crowd of difficulties, to maintain our Commercial intercourse with this point of the Empire. I have always been acting in this respect upon the general reasoning that if the trade can be kept flowing here whilst our relations with the General Government are of a hostile nature, it would daily take new directions, and gain an increasing force, incalculably conducive to our permanent and only substantial concerns with this Empire.

Upon Your Lordship's soundest observation, that it is not at Canton but much nearer to the Capital that further demonstration of our Military power may be most effective, I will only offer the single remark, that some decisive manifestation of our prowess here was not merely necessary but desirable, and I indulge the hope that Your Lordship will neither be dissatisfied with the limits of our advance, nor the motives and conditions of our retirement.

I may now turn to the Summary of the demands to which Her Majesty's Government continued to adhere up to the 3rd February last, as stated by Your Lordship.

"1. Pecuniary Compensation for the value of the Opium violently seized, and for the expences of the expedition, and payment of the debts due by the Co-Hong."

I have come to the conclusion, My Lord, that my own view of what would be an exactly just and liberal indemnity for the surrendered opium cannot be considered impartial; and I must hope that Her Majesty's Government will relieve me from the task of speaking definitely upon that point. At the same time I certainly do not feel myself precluded from stating in general terms, that I have formed an opinion upon the Subject, founded upon the average prices here for the 4 Months preceding the delivery, upon the accumulation of Stocks in China and India at that time, and upon the prices in Bengal and Bombay on that very day. If the funds already secured are to be made available for the discharge of those Claims, it is no more than my duty to the Government and the Public to declare, that all further difficulty upon that point seems to me to be at an end, and I will dismiss the Subject with the expression of a respectful opinion, that there can be no more suitable referee in all respects upon the matter of indemnity than the Indian Government.

The Instructions and the draft of Treaty contemplate the recovery of the expences of the expedition after the whole shall have been ascertained, and a Statement whereof laid before the Chinese Government. It is a great inconvenience, however, of this mode of procedure, that guarantees must continue to be held, and considerable force kept in the Country, for constraining the fulfilment of any engagements to this effect, and that at continued expence, and much risk of renewed outbreak from the impatience, and irritation of the Government. In my own view, it would be a sounder course to fix upon some certain Sum in compensation for these expences, and constrain its out and out payment, either at a period of general Settlement, or in the progress of the contemplated operations, rather than to include any conditions in the Treaty of peace, involving future payments.

Respecting the immediate payment of the balance due by the Insolvent Hongs, I take the liberty of declaring my own opinion, that it ought not to be pressed at all. The arrangements for the payment of the Hong Debts were consented to by the Foreigners, and they have always been faithfully observed on the other side; and I do not think they can be disturbed without such a shock to confidence in our justice and good faith, as it would be most unfortunate to induce. In fact, I would take this occasion to say, that I think it would be judicious to do no more about the Co-Hong, and the whole exclusive System, in any Treaty of Peace, than to provide for its effectual extinction, not by direct Stipulation, but by securing permission for the Merchants and Ships of the Empire to trade with us at our own Settlement. But in truth, the Hong Merchants are little better than brokers at present, and there is neither use nor advantage in harassing and irritating the Government upon a question that is solving itself, without shock to existing claims.

The 2nd point of Your Lordship's Summary is :

"Liberty for British Subjects to reside at certain Ports of China with full protection to life and property."

Assuming that the Emperor of China can be constrained to open the Ports by Treaty, under the pressure of force and fear, it is entirely unnecessary to say, that the Imperial Signet so secured affords no sufficient guarantee for the required protection for life and property: And I take the liberty to record my opinion, that a treaty which consigns British Merchants and Ships to the Ports of Amoy, Ningpo, and Shang Hai Heen,

will do not more than place very valuable hostages in the hands of an irritated Government, with what may be taken to be a certainty, that the impatience of our own Merchants, and the perfidy of the Chinese, will rapidly produce new troubles. It would be consistent with the genius of our own people in such circumstances to want more than they had any just right to expect, and it would be still more characteristic of the Chinese not only to give the least they could; but day by day to endeavour to revive all their objectionable and almost obsolete pretensions in the Matter of trade, jurisdiction, &c., &c. Settlement in factories, more particularly whilst the Opium question remains unsettled, seems in my judgment to be totally out of the question, with the least regard to the most obvious considerations of prudence or safety, either as respects the Merchants, or the least hope of maintaining a state of peace between the two Countries.

The 3rd I read is :

“The Cession to the British Crown of an Island on the Eastern Coasts of China, or, as an alternative to this, declared liberty and privileges of trade to British Subjects at the Ports on the Continent above alluded to.”

The alternative portion of this position has been noticed already, and it only remains for me to offer some observations on the required Cession of an Island on the Eastern Coasts.

It seems very plain to me (and I am greatly supported by finding that Your Lordship is of the same mind) that Her Majesty's Government must keep the Island of Hong Kong. It has been formally ceded to us under the Seals of the Empire, and Proclamation duly made of its annexation to The Queen's Dominions, and Your Lordship will perhaps concur with me, that a slight degree of increased pressure, joined to any hope of conclusive peaceful results, may draw from the Court a ratification of the Imperial Commissioner's proceeding in this important particular.

But, My Lord, independently of these Considerations, I must take the liberty to say, (adverting to what has recently passed in this quarter) that the conservation of Hong Kong, and the immediate organization of the Settlement upon a very firm and comprehensive footing, is not a question, but in strictest terms a necessity.

It is the peculiar and prodigious difficulty of operations in China, that property of immense amount is constantly pouring in upon our hands; and although I have hitherto been able to provide for its disposal, it has only been by expedients which could not be permanently depended upon, and at risks which, it is not to be denied, have been very great. At the very date of this despatch a vast amount of tonnage is again accumulating, but the erection of Warehouses is commencing at Hong Kong, with a spirit which will I trust enable us to clear the Ships, within such a period as will save any considerable charge for demurrage, and other expences incidental to the delay of a large loaded fleet.

In fine, the palpable impossibility of trusting our Merchants at Canton, and the utter hopelessness of finding efficient and avowed protection or liberal arrangement at Macao, have cast upon me the absolute necessity of providing a secure seat for the trade, without loss of time, under our own flag.

But, My Lord, if the preservation of Hong Kong is of such first-rate importance for our own trade and interests, it is to the full as much so, as an act of justice and protection to the Native population upon which we

have been so long dependent for assistance and supply. Indescribably dreadful instances of the hostility between these people and the Government are within our certain knowledge; and they cannot be abandoned without the most fatal consequences.

With Hong Kong in our hands, and a sufficient garrison and Naval Force at that point, I must declare my own opinion, that there is no necessity for permanent Settlement on the East Coast, and very serious objections to any step of the kind. My intercourse with the officers of the Government has satisfied me that the Court will never yield that point; and it seems to me as certain that we cannot maintain ourselves in such a position, for any extensive commercial purposes, against the pleasure of the Emperor, without such a burden of Naval and Military charge, as would compel us, after heavy sacrifice, to confine ourselves to the point where we are well known, and have a powerful Native connexion, both Social and Commercial.

There is not the least reason to doubt, that an opening for British Commerce into the wealthy and populous parts of China, will be secured with far more promptitude, and eventually quite as extensively, from Hong Kong, as from an uneasy position in much closer neighbourhood to them. If the question arose even between Hong Kong and some position on the East Coast, there might in my mind be room for discussion. But reflection and experience have satisfied me against all my preconceptions and personal wishes, firstly, that Settlement at this point of the Empire *is necessary*; and secondly that Settlement to the Eastward, will only be productive of an indefinite protraction of hostilities in China, at an enormous expence, and thus defeat or most seriously retard the very purposes for which it is undertaken—purposes assuredly susceptible of accomplishment through a quiet possession of that Settlement to the Southward with which we cannot dispense.

The Government of China is perfectly convinced that the Island of Hong Kong will not be yielded up, and if it suited the purposes or character of Her Majesty's Government to accept it under any such modification as would save the appearance of its formal cession, and declaration were made that we were satisfied with that extent of territorial possession, they would be well content to adjust affairs at once. As soon as the Court can be brought by persuasion, or reduced by force of arms, to accommodate the remaining portions of the pecuniary difficulty of this question, I would strenuously advise that Communication should be made to it of our determination never to abandon that Island but of our willingness to conclude forthwith upon the basis of its immediate Cession.

In the 8th Paragraph of Your Lordship's despatch, I find it observed, that the possession of Wangtung, and the presence of the Naval force to be left in this neighbourhood, will always furnish the means of re-imposing the Blockade at Canton, if the Conduct of the Provincial Authorities should appear to require that Measure, and this remark affords me a proper occasion to state the various reasons which led me to assent to the restoration of Wangtung, upon the Condition that it should not be re-armed.

In the first place, My Lord, it is evident that Hong Kong is the chief basis of our operations in China, Military, Commercially, and politically considered, and the necessity of leaving as large a land force there as can be spared, is too apparent to require insistence. Neither does it seem to me to admit of doubt, that some important point in Fuhkien must be

temporarily held as a guarantee for the faithful fulfilment of the stipulations of any treaty to be made with this Government. I should greatly prefer a position in Fuhkien to one further Northward for this purpose of guarantee, not only because of the comparative facility of communication between that Province and our main depot here, but also on account of the very great importance of immediately opening out and protecting a commercial intercourse between that part of the Empire, and Hong Kong, both in our own, and in Native Vessels.

Your Lordship should be informed that there is so much of Easterly Wind during this Monsoon, on this and the neighbouring Coast of Fuhkien, that it is not much more difficult to get to the Southward and Westward from above, than to repair to Fuhkien from this point: Beyond Amoy, as the Formosa Channel trends to the Northward, the Winds follow its direction; and therefore from Chekiang and the North Eastern parts of Fuhkien the voyage against the Southerly Monsoon is very tedious.

After frequent conversations with the Major General upon the amount of force which should be left at Hong Kong, I think I may assure your Lordship that 1,000 bayonets are the least number which will be requisite for the occupation of the Island, upon a sufficiently extensive and secure footing.

I should acquaint your Lordship that there is no water supply on the Island of Wangtong, and this circumstance (constraining the necessity of maintaining a hold over Chuenpee) and the feebleness of the garrison which we have been able to place on Wangtong have made it indispensable always to leave a Ship of War at that point.

Experience, too, has taught us, that, with the batteries at Anunghoy destroyed, Wangtong would not be tenable against a Sloop of War, even if it were re-armed; but beyond the perception that it was recoverable whenever we pleased, and that there was great advantage, in unlocking the Sea and land force necessary for its guard, there was yet another strong reason in my mind for restoring it to the Chinese, in preference to the destruction of the Works.

There could be no doubt that the importance of its recovery would be dwelt upon to the Court as a set-off against the late momentous concessions, and by a parity of reasoning its reloss and the destruction of the Works would expose the Authorities to the certainty of the severest displeasure of the Emperor.

Menaced then with the recapture of the Island and the Blockade of the River, I entertain a hope that the Government will take care to avoid these consequences: And their tacit consent to the resort of their people and Junks to our new Settlement, in its early stages, is of such importance that I believe Your Lordship will think I have exercised a sound discretion in promoting it by all the motives and inducements which could be created without danger to our main objects.

In a practical point of view, it is no exaggeration to say that peaceful Commercial relations with the Government and people of Canton are more important to us than a treaty of Peace with the Emperor.

Your Lordship's observations upon the difficulty or rather impossibility of detaining, guarding, and holding in deposit any large number of the trading junks of the Country relieves me from the necessity of saying more upon that or the kindred subject of satisfying our heavy and growing claims, than to point to the late results in Canton as the most conclusive means of meeting that exigency.

I have given my best attention to Your Lordship's valuable suggestions

with respect to the further operations of this Season, and I will now beg to submit my own opinions on the same subject.

Our first movement should, I think, be upon Amoy. Arrived off the coast of Fuhkien, I would advise that a Proclamation should be extensively circulated amongst the people, acquainting them that it was ardently desired to spare them as well as the people of this Province, upon the ground of our long intercourse with both these Provinces, and calling upon them to move their Mandarins to avert these Calamities by acceding to our demands.

Anchored in the outer Harbour of Amoy, I would propose that a Summons should be sent in, demanding the instant surrender of the Islands forming the entrance into the inner Harbour, all the War Junks to be held in guarantee, till the difficulties were finally settled between the two Countries, and the evacuation of the line of Works occupied by the Chinese forces. Failing compliance (and compliance can scarcely be expected) the Works to be carried and destroyed, and the Men of War Junks to be burned: But it certainly does appear to me to be an object of highest importance not to destroy the City, if it be possible to avoid such a calamity.

I have great doubts of the policy of demanding Contributions in Fuhkien, for nothing can be more certain than the importance of avoiding the extensive irritation of the People of that Province, and the reasoning which disposes me to recommend the occupation of a Commanding position at Amoy, leads me to think that it would be wisest to confine our movements to Fuhkien to the securing of guarantees, the opening out and encouragement of Commercial intercourse with Hong Kong, and the effectual abatement of the Spirit of the Government. We have every reason to believe that the people of Fuhkien are extremely desirous of trading facilities with us, and ill-affected towards their own Government, and it is a reasonable ground of apprehension, that the levying of contributions may relax both feelings. At the same time, it is not to be denied, that the prompt recovery of the expenses of the expedition is an object of great importance, and if our summons be rejected and the town fall within our power by force of arms, there can be less objection to demand a contribution in consideration of its safety, and of the safety of the Trade of the Province. In such a case I should still recommend that the Contribution levied upon Amoy should be light.

With the close of our operations in Fuhkien I beg to express myself entirely of Your Lordship's Opinion, that there is an end of all necessity, political or otherwise, for refraining from Subjecting the people of the other Provinces to all the lawful rigours of War.

Our next point should, I think, be Chin-Hai, and it seems to me that there can be no more proper point on the Coast of China for the most signal manifestation of the prowess of Her Majesty's Arms, and the danger of provoking it, than Ningpo. I would strenuously recommend, that it should be made to contribute very heavily, or destroyed.

The next and main object of the Expedition should, in my judgment, be the command of the entrance of the Grand Canal, at its point of intersection with the Yang-tse-Kiang, and if further information shall establish the feasibility of an attack upon Nanking, I should consider that there can be no more important achievement within the reach of this force, none in which conjoint operation can be more advantageously employed, and none that would strike not only the Court, but the whole body of The Empire with deeper consternation.



Beginning with Shang Hai Heen and up both banks of the Yang-tse-Kiang as far as steam can carry us, there are enough of rich and exposed towns to make the prompt payment of the expenses of the Expedition as certain as any event in war can be thought to be. And with that object accomplished, and all the terrible proofs of the prowess of Her Majesty's Arms remembered, it may neither be difficult nor ungrateful to Her Majesty's Government (even if the Court shall still refrain from making peaceful overtures) to stay its hand; signifying that It was restrained by motives of humanity, and that there would be a cessation of hostility whilst there was a peaceful spirit on the other Side, and whilst the people were suffered to carry on Commercial intercourse with us, without obstruction.

The experience of every day has strengthened me in the conviction, that the most advantageous treaty of Peace which can be concluded with this Court, under present circumstances, will be the one that contains the least number of Stipulations.

The Chinese, My Lord, like all other Asiatic Powers, would take advantage of the reduction of the force to test our forbearance (most probably when our attention was otherwise engaged) by evasion or violation, first of some inconsiderable Article of the treaty, and if we were unwilling to rush into a Contest for a trifle, gradually of more and more Material parts of the engagement. I certainly do believe that renewed hostilities will be more or less probable in the ratio that the treaty contains more or less of Stipulation on either side, for the regulation of our Social and Commercial intercourse.

The treaty in my mind, (if treaty be necessary or advisable till the Chinese seek one) should contain no more than two Articles. The first ceding Hong Kong, with permission for their Merchants and Ships to resort there, and the second, granting us equal privileges, Commercial or otherwise, with any hereafter to be granted to other powers. I have said if treaty be necessary or advisable till the Chinese seek one, because I entertain a belief, that our position in strength upon these Coasts, and a great forced trade must soon induce that disposition, and then, indeed it may be practicable to treat safely and advantageously on a comprehensive footing, which is certainly out of the question whilst we are forcing a treaty upon their acceptance.

Our really important objects in this Country, (in my humble opinion) are, firstly, the Collection of more funds, not only for the sake of relieving our own Government from charges cast upon it by the violence and injustice of the Chinese, but because no Course will more impressively fix upon them the mischief of an aggressive spirit; And nextly our firm Establishment, at the Seat of our future Trade.

Your Lordship has spoken of operations in the Pei Ho, but that is a Subject upon which I shall have the honor to communicate in another despatch.

The heads of this despatch were drafted before Sir Gordon Bremer's return, and he concurs with me that it may be most convenient it should be sent in my own name. Our future communications will of course be joint, and it only remains for me to offer the expression of my unfeigned satisfaction, that the recent arrival of the new Commission has given Her Majesty's Service the advantage of his valuable assistance in the task of settling the public interests in this remote part of the world, upon a steady footing.

CHARLES ELLIOT.

## APPENDIX K

### LORD PALMERSTON TO SIR HENRY POTTINGER

No. 16.

F.O., LONDON, May 31, 1841.

SIR,

As you are now on the point of setting out for China, I proceed to give you final Instructions for your guidance in the performance of the duties with which you are charged.

In the first place, you will clearly understand that the conduct of the Negotiation with the Chinese Government is intrusted entirely to you; and that you alone, in your capacity of Plenipotentiary, are to determine where the Negotiation is to be carried on; how long it is to be continued; and when, if unsuccessful, it is to be broken off. But whenever you shall judge that further Negotiation is useless, and that the employment of Force has become necessary for the purpose of inducing the Chinese Government to comply with the British Demands, you will announce that fact to the Naval Officer in command of the Expedition; and it will then rest with him to determine, when, where, and how, the Forces at his disposal shall be employed; and you will not interfere to suspend his operations unless you should receive from an officer duly authorised by the Chinese Government, a full and unconditional compliance on the part of The Emperor, with all the demands which you may have made in the Name of the Government of Great Britain.

It is not expedient that you should arrive on the Coast of China, nor that you should begin your Negotiation, until there shall be in the China Sea such a Naval and Military Force, as may be considered by the Governor General of India sufficient for the Service which it may be called upon to perform; but it is desirable that you should proceed to China as soon as you can, if you find, on reaching Calcutta, that such a Force is already gone thither; and you should accompany that Force, if it shall be despatched to China after you reach Calcutta.

The first operation which the naval and military Force will have to perform, if that operation is not accomplished before your arrival in China, will be the re-occupation of the Island of Chusan; and that should precede any Negotiation on your part. As soon as Chusan is occupied, you should establish yourself there, either on shore or on board Ship, as you may find most convenient; and you should send from thence a communication to be forwarded to the Government at Peking, announcing your arrival and stating that you are ready to treat with any Plenipotentiary duly commissioned and furnished with Full Powers by The Emperor of China for that purpose.

It is for many reasons inexpedient that you should negotiate in the neighbourhood of Canton. The distance of that point from Peking would furnish fair excuses for delays which would be highly inconvenient; and the Chinese Negotiator would in the neighbourhood of Canton be exposed

to many influences unfavourable to such a settlement as Her Majesty's Government require.

But you might Negotiate either in the neighbourhood of Chusan, or at the Mouth of the Peiho River; and you will use your discretion in fixing upon the one or the other of these points, according to circumstances. It appears to Her Majesty's Government, that if the state of the Season, and other considerations, should leave you at liberty to choose between those two points, there would be some advantage in negotiating at the Mouth of the Peiho, because of the nearness of that point to Peking, and because, on account of that nearness, the Negotiation might more easily be brought to an early conclusion, one way or the other. If you should negotiate there, it is desirable that the Admiral should accompany you thither and that he should take with him, if the Season admits of it, such a Force as might give a respectable Character to the Mission; but that is less important now than it would have been before the Chinese had felt the Force of the British arms. On the other hand, if you should negotiate in the neighbourhood of Chusan, the Chinese Plenipotentiary would have before his eyes greater and more manifest evidences of the power of Great Britain; but then the distance between that point and Peking, might justify and even render necessary delays which it is desirable to avoid.

With regard to the Negotiation itself, and the demands which you are to make, I have to refer you to the Instructions which I gave to the former Plenipotentiaries, as fully explaining in this respect, the views and intentions of Her Majesty's Government. Her Majesty's Government have seen no reason to modify or abandon any part of the demands originally made upon the Government of China; and they trust that you will be able either by persuasion, or by the employment of Force, to obtain compliance therewith from the Chinese Government.

The first points to be insisted upon, are, full compensation for the opium extorted from British Subjects in 1839, as ransom for the Superintendent, and for the British Subjects imprisoned in company with him at Canton; full payment of the Debts of the Insolvent Hong Merchants, for whom the Chinese Government must be held responsible; and payment of the Expenses incurred by Great Britain in sending the Two Expeditions to China for the purpose of exacting redress.

Her Majesty's Government have no data as yet which can enable them accurately to estimate the value of the Opium seized in 1839; but Captain Elliot purchased 523  $\frac{1}{2}$  Chests at 500 dollars a Chest; the value of which would amount to 261,750 Dollars, or in Sterling Money, at 4/10d. the dollar, the rate of Exchange at the time, to £63,265. 18. 4., which is the sum for which Captain Elliot actually drew Bills on the Treasury in payment for the opium so purchased. And supposing that the other 19,759  $\frac{1}{2}$  Chests were worth on an average 300 dollars a Chest, the total value of the Opium would be 6,189,616 dollars. It is understood that the Debts of the insolvent Hong Merchants amounted to about 3,000,000 dollars; and thus the aggregate amount of these two Heads of Claim would be 9,189,616 dollars, or, at the same rate of Exchange as above mentioned, £2,220,823. 17. 4d. Sterling, subject perhaps to some abatements; first on account of the smaller value of some of the Native opium, and secondly on account of any portion of the Hong Debts which may already have been paid. The Expenses of the two Expeditions will be better known to the Indian Government than they can be here; but it is to be presumed that they cannot amount to less than £1,000,000.

It would thus seem that less than £3,000,000 would not cover these

demands; but whatever the sum may be, which you may find would be necessary for that purpose, you might stipulate that it should be paid by six half-yearly instalments; the deferred Instalments bearing interest at five per cent. till paid. The Island of Chusai would of course not be evacuated by the British Forces until the last Instalment had been paid.

The next point to be attended to, is security for British Subjects who may repair to, or who may reside in, China for purposes of Trade. This may be accomplished by the cession to the British Crown of Insular Positions on the Coast of China; or by engagements on the part of the Emperor of China, that the persons and the property of British Subjects in China shall be secure, and that their commercial dealings shall be free and unconstrained, and shall not be confined to any Hong or Corporation, and that Chinese Subjects who trade with British Subjects shall not, on account of such dealings on their part, be liable to extraordinary burthens, or to peculiar exactions.

A third point of paramount importance, is an extension of our commercial intercourse with China, by permission to be conceded to British Merchants to trade with the principal Commercial Towns, on the Eastern Coast of China from Amoy (inclusive) upwards to the North. It might perhaps be sufficient that four or five such Towns should be made accessible to British Trade; but in order that they should be so effectually, one or two things would be necessary—either that British Subjects should be permitted to settle at and reside in such Towns, and that in each Town a British Consular officer should be stationed as an organ of communication between the British Residents and the Chinese Authorities—or else that there should be ceded to Great Britain some Island on the East Coast; and that free commercial intercourse should be permitted between that Island and the Towns on the Main Land.

It is understood that the Chinese Government has consented to cede the Island of Hongkong to Great Britain; and that Island is supposed to be in many respects well qualified to become a commercial Station of some importance for our Trade with China.

You will examine with care the natural capacities of Hong-Kong, and you will not agree to give up that Island unless you should find that you can exchange it for another in the neighbourhood of Canton, better adapted for the purposes in view; equally defensible; and affording sufficient shelter for Ships of War and Commerce.

But H.M. Government apprehend that Hongkong could not for a great length of Time afford to our Merchants any new Facilities for Trade with the Northern Ports and consequently the Possession of Hong Kong would not supersede the necessity of obtaining either another Insular Position on the Eastern Coast, or Permission for British Subjects to reside in some of the principal Cities on that Coast.

Her Majesty's Government have reason to suppose that Hong Kong has been ceded with the condition that British and 'her Foreign Merchandize imported into Hong Kong should there pay to Chinese Custom House officers the usual and established Import duties which such goods would pay upon being imported into China; and that such duties having been so paid, and the Merchandize being duly stamped by the Chinese Custom House officers at Hong Kong, there should be full liberty to all Persons to carry such Merchandize away to any Port in China, without its being liable to any further payment in such Ports or elsewhere on account of Import duty.

Such an arrangement would no doubt be anomalous in as far as it

involved the presence of Chinese Custom House officers, and the collection of Chinese Custom Duties, in a Possession of the British Crown; and moreover there might be some difficulty in practically carrying into execution that part of the arrangement which would exempt such goods from any subsequent payment in a Chinese Port. But there are similar instances in Europe of Duties collected in the Territory of one Power by the agents of another Power. The Transit Duties which Shipping and Goods going up the Scheldt are liable to pay to the Dutch Government, are collected not at Flushing, but at Antwerp, by Dutch agents stationed in that Belgian Town.

The Duties which the Hanoverian Government levies upon Shipping and Goods passing by the Fort of Stado in their way up the Elbe, are levied not at Stado or Brunhausen, but by a Hanoverian agent in the City of Hamburg: and a plan has for some time past been under discussion between Denmark and other Powers, by which, if it were adopted, the Tolls which Denmark is entitled to levy upon Ships and Merchandise passing the Sound, would be levied not at Elsinor but in the several Prussian, Russian, and other Ports in the Baltick, by Danish Agents stationed at those Ports for such purpose.

It is possible that British Commerce might be much encouraged, if Goods which had once been landed at Hong Kong, could be carried from thence to any Chinese Port without being liable to any further payment on account of Duty; and the Chinese Custom House officers in Hong Kong would be less likely than the Chinese Authorities at other Ports to attempt to levy exorbitant and illegal Duties. But whatever arrangements you may succeed in making with the Chinese Plenipotentiary, those arrangements must be embodied in a Treaty, to be signed by yourself and by the Chinese Plenipotentiary, in the name of your respective Sovereigns; and to be afterwards ratified by each Sovereign; and you should obtain a formal announcement of the ratification of the Treaty by The Emperor of China before you can consider the Treaty as valid, and before you send it Home for the Ratification of Her Majesty. The Chinese ratification will of course not be actually placed in your hands till Her Majesty's Ratification shall have reached you for the purpose of its being exchanged with that of The Emperor. But the payments ought to begin, and the other arrangements should take effect as soon as The Emperor shall have ratified the Treaty. You will transmit to the Governor General by the earliest opportunities copies of all the Despatches which you may address to the Secretary of State for Foreign Affairs and you will pay due attention to any suggestions or Remarks which you may receive from the Governor General upon the Matters with the management of which you are charged.

You will find in the Instructions to your Predecessors some details with regard to the Forms to be observed in respect to this Treaty:

It is of great importance with a view to the maintenance of a permanent good understanding between the two countries, that the Chinese Government should place the opium Trade upon some regular and legalized footing. Experience has shown that it is entirely beyond the power of the Chinese Government to prevent the introduction of opium into China; and many reasons render it impossible that the British Government can give the Chinese Government any effectual aid towards the accomplishment of that purpose. But while the Opium Trade is forbidden by Law it must inevitably be carried on by fraud and violence; and hence must arise frequent Collisions and Conflicts between the Chinese preventive Service,

and the Parties who are engaged in carrying on the opium Trade. These Parties are generally British Subjects; and it is impossible to suppose that this private War can long be carried on between British Opium Smugglers and the Chinese Authorities, without events happening which must tend to put in jeopardy the good understanding between the Chinese and British Governments.

Her Majesty's Government make no demand in regard to this matter, for they have no right to do so. The Chinese Government is fully entitled to prohibit the Importation of Opium, if it pleases; and British Subjects who engage in a contraband Trade must take the consequences of doing so. But it is desirable that you should avail yourself of every favourable opportunity strongly to impress upon the Chinese Plenipotentiary and through him upon the Chinese Government, by all the arguments which will naturally suggest themselves to your mind how much it would be for the Interest of the Chinese Government itself to alter the Law of China on this matter, and to legalize by a regular duty, a Trade which they cannot prevent.

Her Majesty's Government in giving you these Instructions are fully sensible that much, both in regard to the points herein specifically mentioned, and in regard to others which have been treated in the former Instructions herein referred to, must be left to your Judgment and discretion; but Her Majesty's Government feel confident that the Interests which have thus been confided to your charge are placed in good hands.

I have only further to state that the Chinese Plenipotentiary appears in the late Negotiations not to have altogether dropped that Tone of affected Superiority with which it has invariably been the Systematic Policy of the Chinese to cloak in their Intercourse with Foreigners the real weakness of the Empire; you are so well acquainted with the Asiatic character and so much accustomed to deal with Orientals that it is unnecessary for me to instruct you to stop at the outset any attempts of this kind, whether in personal Intercourse or in written communications. Her Majesty's Government do not require that the British Plenipotentiary should assume any Superiority in his Intercourse with the Chinese Negotiator, but they do expect that the British Plenipotentiary should be treated by the Plenipotentiary of The Emperor of China upon a footing of perfect equality.

PALMERSTON.

## APPENDIX L

### LORD PALMERSTON TO SIR HENRY POTTINGER

No. 18.

F.O., LONDON, June 5th, 1841.

SIR,

Since the date of my Instructions Nos. 16 and 17, Despatches to the 28th of March have been received from Macao, and accounts from Calcutta of the 21st April, which render necessary an alteration in the Instructions above mentioned.

When these Instructions were written, Her Majesty's Government were led by the accounts which they had then received from China, to imagine that a Provisional arrangement had been concluded between Captain Elliot and Keshen; that, in virtue of that arrangement, Chusan had been evacuated by the British Forces; and that a considerable part of those Forces, Naval and Military, might possibly have been sent away from the China Station.

Instructions indeed were sent out by the last Monthly overland Mail for the reoccupation of Chusan, but it was doubtful whether those Instructions would have been carried into execution at the time when you will arrive in China, or whether you would find their execution still suspended in consequence of the necessity of waiting for the return of troops and ships from India.

Under those impressions you were instructed to communicate personally with Lord Auckland in your way to China, if your going round by Calcutta for the purpose of doing so would not so much delay your arrival in China as to prevent you from reaching Hong Kong till the season was too far advanced for you to go up to Chusan, or to the Peiho River, for the purpose of negotiating.

But the accounts which have now been received from China show that the affairs in that quarter were taking an entirely different course from that which the preceding accounts had led Her Majesty's Government to expect. The arrangement agreed upon by Captain Elliot and Keshen had been disavowed and rejected by the Emperor of China, and Keshen had been disgraced for having consented to it; hostilities had recommenced between the British and Chinese Forces; all the Forts on the Canton River had been taken by the British; and British Ships of War were lying opposite the Factories at Canton. Chusan had indeed been evacuated, but no part of the Naval or Military force had been sent away from the China Station, and on the contrary the Governor General was going to send thither reinforcements both of troops and of ships to enable the British Commanders to execute those further operations which they intended to carry on against Amoy and in the Yangtse-Kiang.

Under these circumstances Her Majesty's Government think, on the one hand, that it is of still greater importance than before that you and Sir William Parker should have full communication with Lord Auckland, before you proceed to China; while on the other hand, it matters less whether you arrive in China three weeks earlier or three weeks later.

According to the view of things upon which your former instructions were prepared, hostile operations against the Chinese were not to commence, unless and until your Negotiation should have failed; and as hostile operations to the Northward could not well be carried on after October, it was desirable that you should reach China as soon as possible, in order that there might still be time to strike a blow, if your Negotiation should fail. But it now appears, that hostilities began in February, and that the British Commanders had the whole Southerly Monsoon before them for the prosecution of their operations; and therefore the commencement and progress of those operations will in no degree depend upon the time of your arrival.

Nor would the time of your arrival be important for the purpose of preventing the conclusion of any arrangement by other persons, on conditions inconsistent with your instructions, because the despatches which were sent out by the last overland Mail will have precluded the possibility of such an event. I have therefore to desire that you will,

in the first place, go to Calcutta, in order to communicate fully with Lord Auckland upon all matters connected with your Mission, unless upon your arrival at Bombay you should receive any information, either from Lord Auckland or from China, which should lead you to think that according to the spirit of these instructions, it is unnecessary for you to do so.

It would not be consistent with Constitutional principle—nor with the public interest—that the Governor General should be invested with a discretionary power to approve or disapprove any arrangement concluded by one of Her Majesty's Plenipotentiaries with the Plenipotentiary of a Foreign Power; because it is the duty of the Secretary of State for the time being, to advise the Sovereign as to the approval or disapproval of any such arrangement; and the nature of the advice so to be given may depend upon many circumstances which can be known only to the Government at home—and much public inconvenience might arise, if the Governor General of India were to take one view of such a Matter, and if the Government at home were afterwards to take a different view of that matter; and moreover, the view which the Government at home might take of any arrangements concluded with the Chinese Government, might be influenced by many circumstances and considerations of which the Governor General could not at the time be cognizant.

For these reasons Her Majesty's Government cannot invest the Governor General with the same authority over the negotiation, which they have given him over the Naval and Military operations; but nevertheless you will not fail to give due weight to the opinions which Lord Auckland may express to you upon the various matters which you will have to deal with; and indeed there are many points upon which Her Majesty's Government have been unable, for want of sufficient information, to give you specific instructions, and upon which Lord Auckland's local knowledge will enable him to give you valuable advice.

It appears to Her Majesty's Government that the Island of Hong-Kong ought to be retained; but it seems that some portion of the opposite Coast commands one of the principal anchorages of the Island; and it will therefore be necessary to stipulate that the Chinese shall not erect any fortification or work, or plant any cannon, or station any Military force, within a certain distance of those points from which the anchorage at Hong-Kong is commanded.

It appears from Captain Elliot's last despatches that Keshen had declared that no sanction in the way of ratification could be given by the Emperor to any Treaty which might be concluded between the British and Chinese Plenipotentiaries; and Keshen founded this declaration upon the peculiar forms and practices of China. But Her Majesty's Government cannot in a matter of such importance as this, admit an excuse which may only be the pretext put forward by intentional bad faith, and which, at all events, would leave a door open for bad faith at any future time.

The universal practice of all the other Countries in the World is, that agreements and Treaties between States must, in order to be valid, be ratified by the Supreme Authority of the State; and that practice is founded upon plain and obvious reason; and Her Majesty's Government cannot allow that, in a transaction between Great Britain and China, the unreasonable practice of the Chinese should supersede the reasonable practice of all the rest of mankind, and consequently the ratification of the Emperor is indispensable.

PALMERSTON.



## APPENDIX M

### LORD ABERDEEN TO SIR HENRY POTTINGER

No. 30.

F.O., LONDON, November 4, 1841.

SIR,

Having received no intelligence of your arrival in China, it is impossible for Her Majesty's Government to form any conjecture of the extent to which you may have been enabled to execute the instructions delivered to you by Viscount Palmerston on the 31st of May.

Although success may have attended Her Majesty's Arms, it is by no means probable that the War should have been brought to a termination; and in this state of uncertainty therefore, Her Majesty's Government have determined to make the necessary preparations for carrying on the ensuing campaign with vigour and with effect. The Secretary of State for War and Colonies will communicate the views of Her Majesty's Government, and will describe to the Naval and Military Commanders the general plan of operations which appear best calculated to lead to a successful result. While it is my duty to furnish you with such instructions as may assist you in the conduct of the Negotiation with which you are charged.

There are some important modifications which Her Majesty's Government are desirous of making in the instructions addressed to you by Viscount Palmerston, principally with the view of extending your discretionary powers, and thus, as they hope, facilitating the success of your endeavours.

When hostilities shall have commenced, in consequence of the Chinese Government having refused to accede to your demands, you are required, by your instructions, not to interfere to suspend the operations, unless you should receive from an Officer, duly authorized by the Chinese Government, a full and unconditional compliance on the part of the Emperor, with all the demands you may have made in the name of the Government of Great Britain.

Now, this would place an insurmountable obstacle in the way of your Negotiation, at a moment when it might be renewed with the best prospect of success; and you are therefore authorized to resume such negotiation at any time, in conjunction with the Naval and Military Commanders, you shall be of opinion that the operations of the War have produced a sufficient impression upon the enemy, as to enable you to do so with the hope of a favourable issue:

It is not intended by Her Majesty's Government to make any alteration in the amount of compensation demanded for the opium extorted from British Subjects in 1839, in consequence of the imprisonment of the Superintendent, and the violence and injustice of the Chinese Government.

Such of the debts of the Hong Merchants as remain unpaid, must also be fully liquidated as pointed out by your instructions.

In fixing the indemnity to be paid for the expenses of the Expedition, Her Majesty's Government are desirous of allowing you a greater latitude

than appears in your former instructions, by which the whole expense of the war was to be calculated, and the demand made accordingly.

Nearly two years have elapsed since this demand was first directed to be made; and the expense of another campaign, conducted on a more extended scale, must now be added to the amount. It is obvious that in proportion as the war may endure, the difficulty of complying with this demand must increase; until at last it may become impracticable, and thus oppose an insuperable bar to the conclusion of peace. While the direct loss of revenue from the interruption of trade will, in the meantime, probably more than counterbalance the sum we seek to obtain from the Chinese. It appears, therefore, expedient to relax the principle upon which this indemnity is to be calculated. You will of course exact such sum as the resources of the Chinese Government, and the means at your disposal for enforcing compliance may seem to justify; but you will not break off the Negotiation, or indefinitely prolong the War, in order to carry this sum to the full calculated amount of the expense incurred.

With respect to the occupation of Chinese territory, which may have been rendered necessary in course of warlike operations, Her Majesty's Government do not feel disposed to regard any such acquisitions in the light of a permanent conquest. It would rather be their desire that the commercial intercourse of Her Majesty's subjects with the Chinese Empire should be secured by means of a Treaty granting permission to trade with four or five of the principal towns on the East Coast of China; and that in each of these towns a Consular Agent should be stationed, as the means of communication between the British residents and the local Authorities.

In addition to the Island of Hong Kong, it is probable that Chusan will again have been occupied by Her Majesty's forces, in consequence of instructions already given to that effect; and other points may also be the objects of attack. These insular positions will be highly important as forming a base of Military operations. They will also greatly assist your Negotiation, by placing in your hands the means of making valuable concessions; and they will afford an effectual guarantee for the due execution of the terms of any Treaty you may conclude. But the permanent retention of these possessions under the dominion of the Crown, would be attended with great and certain expense; while the extent of commerce which their occupation would enable us to carry on, in defiance of the Chinese Government, appears somewhat doubtful. It would also tend to bring us more in contact politically with the Chinese than it is at all desirable; and might ultimately lead, perhaps unavoidably, to our taking part in the contests and changes which at no distant period may occur among this singular people, and in the Government of the Empire.

A secure and well regulated trade is all we desire; and you will constantly bear in mind that we seek for no exclusive advantages, and demand nothing that we shall not willingly see enjoyed by the Subjects of all other States.

With the exception of the Modifications now explained, you will consider your former Instructions as confirmed by Her Majesty's Government, and according to which you will regulate your conduct.

ABERDEEN.

## APPENDIX N

### LORD ABERDEEN TO SIR HENRY POTTINGER

No. 33.

F.O., LONDON, December 2, 1841.

SIR,

With reference to that part of your Despatch No. 4 of the 19th of August, from which it appears that if the course of events should enable you to pay to the Opium Claimants a portion of the amount of their Claims, you would not hesitate to do so, I have to state to you that Her Majesty's Government would much regret to learn that you had taken such a step. With respect to any money which might be obtained from the Chinese Government specifically for the satisfaction of those Claims, the Instructions of Captain Elliot and Admiral Elliot of the 20th of February, 1840, state that the amount of any such payment should be remitted home to Her Majesty's Treasury in London, in order to be by that Board distributed among the Parties entitled to receive it; and with respect to any money which may be obtained from the Chinese in the shape of contribution or Ransom, such money is a Droit of the Crown, and as such, after paying what Her Majesty may be graciously pleased to grant to the Forces employed in the operations which may have led to such contribution or ransom being obtained, it must be carried to the account of the Consolidated Fund.

ABERDEEN.

P.S.—I take this opportunity to state to you with reference to another passage in your Despatch No. 4, that Her Majesty's Government wish that you should carefully abstain from allowing any opinion which you may form as to the average price at which the Opium Claims should be settled, to become known in China or in India. I should of course be glad to receive from you any opinion on that point, and you will be at liberty to communicate such opinion to the Governor General of India, stating to him at the same time the wish of Her Majesty's Government that it should not be made public.

## APPENDIX O

### LORD ABERDEEN TO SIR HENRY POTTINGEL.

No. 4.

F.O., LONDON, January 4, 1843.

SIR,

Major Malcolm arrived in London on the 10th of December and delivered to me the Treaty signed by you with the Chinese Plenipotentiaries on the 29th of August last, and your Despatches from No. 38 to No. 45, both inclusive. Major Malcolm also delivered to me the Translation of the Note from the Grand Council to The Imperial Commissioners announcing The Emperor of China's assent to the Treaty, which Paper you had entrusted to Major Malcolm for that purpose.

I have laid your Despatches before The Queen and I have received Her Majesty's Commands to acquaint you that, having thus learnt the particulars of your Negotiations with the Chinese Plenipotentiaries previously to the signature of the Treaty, and the Measures which you took after the signature, for placing the relations between the two Countries on a satisfactory footing, Her Majesty highly appreciates the ability and zeal which you have displayed in the difficult circumstances in which you have been placed, and entirely approves all your proceedings.

Her Majesty's Government being of opinion that it is expedient that the relations between Great Britain and China should be placed as speedily as possible under the protection of Treaty, they have not thought it advisable to detain Major Malcolm until they can finally decide upon all the arrangements called for by the altered state of things in China. Major Malcolm, who has been promoted to the rank of Lieutenant Colonel by Brevet, has accordingly been directed to return at once to China with Her Majesty's ratification of the Treaty; and I take advantage of his departure to transmit to you some general directions for the guidance of your conduct.

I have to state to you, in the first place, that it is the intention of Her Majesty's Government that so long as you remain in China, the entire control of affairs shall rest exclusively on you. Accordingly, as soon after the exchange of the Ratifications as may be convenient, you will assume the Government of the Island of Hong Kong, then become a Possession of the British Crown; and you will make such Proclamation both of the transfer of the Island to the Crown, and of your assumption of the duties of Governor in pursuance of orders from Her Majesty's Government, as may appear to you most expedient. You will thenceforward administer the Government of the Island and make all necessary arrangements for its defence against foreign aggression. You will cause to be built such fortifications as may be required to protect the Shipping in the roads, and such Barracks as may be sufficient for the accommodation of the Garrison to be maintained in the Island. You will be careful to select positions for the Barracks which are most likely to be healthy, and you will not allow any buildings to be raised by private persons which can at all

impede the circulation of air in the neighbourhood of the Barracks, or interfere with the free movement of the Troops if their Services should be required.

You will make the best provision which you can for the police of the Island, until Her Majesty's Pleasure can be signified on this point; and you will be careful to avoid making any arrangement of a fiscal nature, either with reference to the Island, or with reference to the Port or Anchorage, which might fetter the exercise of the power of the Crown in that respect.

With regard to the location of any part of the Island, Her Majesty's Government will allow you to apportion to persons desirous of establishing themselves, sufficient space for the Buildings which they propose to erect, and for their convenient occupancy of such Buildings. But Her Majesty's Government would not choose that under present circumstances any Grants should be made to Parties whose object in obtaining such Grants would be to dispose of them again with advantage to themselves. You will of course be careful to reserve the portions best adapted for Public Buildings, and such portions also of the shore as may appear most suitable for the situation of the Naval establishments, which it may be found necessary to maintain on the Island for repairing and refitting Her Majesty's Ships. You will also bear in mind in appointing lots to private individuals that it will be expedient to leave ample space for Streets, so as to ensure good ventilation, and thereby guard, as much as possible, against the evil consequences which might ensue from too crowded an occupation.

The terms on which land should be granted to individuals for the erection of houses and other Buildings are necessarily in some degree dependent on the views entertained by Her Majesty's Government with regard to the policy to be observed in the administration of Hong Kong. The intention of Her Majesty's Government being then that Hong Kong should be a free Port, and that the Harbour dues should therefore be as light as possible, so as to give every encouragement to the commerce of all nations, it is clear that no revenue can be expected from Import or Export duties to cover the expenses attendant upon the occupation of the Island. The principal source from which revenue is to be looked for is the Land; and if by the liberality of the Commercial regulations enforced in the Island, foreigners as well as British Subjects are tempted to establish themselves on it, and thus to make it a great mercantile Entrepot, with very limited dimensions, Her Majesty's Government conceive that they would be fully justified in securing to the Crown all the benefits to be expected from the increased value which such a state of things would confer upon the Land. Her Majesty's Government would therefore caution you against the permanent alienation of any portion of the land, and they would prefer that Parties should hold land under Leases from the Crown, the terms of which might be sufficiently long to warrant the holders in building upon their several allotments. A permanent revenue would thus be at once secured to meet the expenses of the Island, with a reasonable certainty also that it would ultimately increase in proportion to the increasing value of the property. It would probably be advantageous also that the portions of land should be let by auction; but of the expediency of resorting to this process you will of course be best able to judge on the spot. The rents to be derived from Leases so granted must be placed to the account of the Government of Hong Kong, and will constitute a fund which it may be hoped will not only cover the current expenses of the

establishment, but also defray the charge of the Public Works to be undertaken and maintained on the Island.

With regard to the trade of British Subjects with the Ports of China, you will continue to superintend that Trade under the Commission granted to you by Her Majesty on your proceeding to China; you will make, if you have not already done so before the receipt of this Dispatch, such temporary arrangements as circumstances may require, for stationing confidential Persons at the several Ports to be opened to British Trade, until the Persons to be appointed by Her Majesty to act as Consuls in those Ports shall arrive in China. It appears to Her Majesty's Government that the Persons who may act as Consuls in the Ports of China should be immediately under the control of the Superintendent, and receive from him such directions as from time to time may be required for their guidance. It would be highly inconvenient if the Consuls in Chinese Ports should be dependent on the Government at home for instructions on the various points which must be expected to arise in the execution of their duties; and therefore Her Majesty's Government conceive that the most satisfactory mode of dealing with this question would be, that the Consuls should only correspond with the Superintendent of Trade, who will communicate to Her Majesty's Government the general result of the reports made to him by the Consuls and convey to the Consuls such instructions as may be consistent with his knowledge of the general views of Her Majesty's Government, or as may appear to him, in the absence of instructions from home, best calculated to advance Her Majesty's Service and the interests of British Subjects trading in China. I should be glad, however, to be furnished with any suggestions which it may occur to you to offer, as to the peculiar nature of the duties to be exercised by the Consuls, and the extent of the powers with which they should be invested.

On this point of jurisdiction as regards the Criminal and Civil Cases, I would call your attention to the expediency of obtaining in as formal a manner as circumstances will permit, the assent of the Chinese Government to the absolute jurisdiction of the British Authorities over British Subjects in the one class, and to their concurrent jurisdiction with the Chinese Officers in the other class, when a Chinese subject is one of the parties. The want of such formal consent on the part of the Chinese Government led to the rejection of a Bill proposed to Parliament some years ago, by which it was intended to provide for the administration of Justice in certain cases by Her Majesty's servants in China. A renunciation of jurisdiction similar to that made in former times by the Sultans of Turkey, and recorded in the Capitulations, would remove the difficulties raised in Parliament to the enactment of such a Bill.

ABERDEEN.

## APPENDIX P

### LORD ABERDEEN TO SIR HENRY POTTINGER

No. 7.

F.O., LONDON, January 4, 1843.

SIR,

Her Majesty's Government entirely approve the judicious Manner in which you called the attention of the Chinese Commissioners to the Opium Trade, in the Memorandum which you delivered to them on the 27th of August; and although it could scarcely be expected that the Commissioners should be prepared to at once state the determination of the Emperor on a subject of such great importance, Her Majesty's Government have received with no little satisfaction the assurance given to you by the Commissioners "that the Officers of China shall certainly be enjoined to confine their jurisdiction in that respect to the Soldiery and people of the Country, not allowing them to make use of it. Whether the Merchant Ships of the various Countries bring Opium or not, China will not need to enquire, or to take any proceedings with regard thereto."

If the principle involved in this assurance is steadily acted upon by the Chinese Authorities, there appears no reason to apprehend collision with them on account of Opium. But it cannot be denied that as long as the Trade in opium is a Smuggling Trade, there will be always more or less risk of serious misunderstanding between the two Governments; as the Chinese Government will with difficulty be made to comprehend that Her Majesty's Government, however well disposed they might be to put a stop to the traffic being carried on by the British Subjects, have not the means of doing so, and even if they had, would be unable to prevent the introduction of Opium into China by the Subjects or Citizens of other Powers. It would therefore be very desirable that you should press upon the Chinese Government the expediency of legalizing the sale of Opium. Admitting that we place full reliance on their assurance that the British Smuggler will not be interfered with, you might point out to them that collisions must arise between their own Soldiery and the Chinese Smugglers, and that loss of life must ensue from such collisions. You may call their attention to the state of disturbance which must prevail in all districts in which this unlawful practice is carried on, and to the consequent demoralization of the people engaged in it, which may be more fatal in its results than the demoralization supposed to attend the use of the drug.

It may also be suggested whether it is not probable that the withdrawal of the prohibition against the use of opium, might not have a tendency to diminish the chances of its being used, as it is now said to be in defiance of that prohibition, to excess. It could be considered as no little gain for a paternal Government like that of China that a cause of offence against the law, and the consequent necessity for punishment of offenders, should be removed, and on the other hand the Chinese Government would gain largely by the Revenue which would accrue to it from the admission of

Opium at such a rate of duty as would at once put an end to the Smuggling Trade and all the Evils attendant upon it.

But whatever may be the result of your endeavours to prevail with the Chinese Government to legalize the sale of Opium, it will be right that Her Majesty's servants in China should hold themselves aloof from all connection with so discreditable a traffick. The British Opium Smuggler must receive no protection or support in the prosecution of his illegal speculations; and he must be made aware that he will have to take the consequences of his own conduct. Her Majesty's Government, as I have stated above, have not the power to put a stop to this trade on the part of the British Smuggler; but they may perhaps impede it in some degree by preventing the Island of Hong Kong or its neighbouring waters from being used as the point from whence British Smugglers shall depart on their illegal adventures. As the case stands at present with regard to Hong Kong, the Queen cannot prohibit the importation of Opium into Hong Kong; but as soon as you assume the Government of the Island on the completion of its cession to the Crown, you will have the power to prohibit the importation of Opium into Hong Kong for the purpose of exportation, or its deposit on board receiving Vessels in the waters of Hong Kong for the same purpose. You will also have the power to prevent Vessels with Cargoes of Opium from frequenting the Port of Hong Kong on their way to the Coasts of China. If the importation of Opium into Hong Kong in greater quantities than are required for consumption in the Island is prohibited, the undue resort of Vessels with Opium on board, as giving room for suspicion, that the Opium is intended to be introduced into the Island contrary to the prohibition, may also reasonably be prohibited.

Her Majesty's Government, however, are sensible that this Measure, though it may relieve them from the imputation of encouraging the Opium Trade, will do but little to mitigate the evils which result from the present system. They wish therefore that you would consider whether it would be possible to place the trade, even as a Smuggling trade, on a less discreditable footing than that on which it is now carried on. The only effectual remedy indeed is in the power of the Chinese Government, and therefore it will be proper that you do your utmost to induce that Government to sanction the trade even if they should confine it to the single Port of Canton. Her Majesty's Government would in that case endeavour to assist the Chinese Government in carrying this limitation into effect, by withholding clearances for Vessels having opium on board, which should be destined for other Ports. But so long as the prohibition against the introduction of Opium into China is absolute, Her Majesty's Government can do no more for China in that respect than prevent the Island of Hong-Kong from being a resort and Market for the British Smuggler.

ABERDEEN.



## APPENDIX Q

### LORD CLARENDON TO DR. BOWRING

No. 2.

F.O., LONDON, February 13, 1854.

SIR,

The Queen having been pleased to appoint you to be Her Majesty's Plenipotentiary and Chief Superintendent of British Trade in China, it is my duty to furnish you with such information as to the views of Her Majesty's Government with regard to China, as may serve to guide you in the execution of the duties which you are called upon to discharge.

If we have not as yet reaped all the advantages which were anticipated at the conclusion of our Treaties with China, from the extended intercourse with that Country for which it was the object of those Treaties to provide, it is nevertheless unquestionable that the Commerce of Her Majesty's Subjects in that Quarter has made rapid progress under the protection of those Treaties, and there is therefore good reason to expect that by prudent management commerce may be still further developed, and our intercourse with the Chinese Authorities and People set free from those obstacles which have hitherto beset it. So far indeed from its being matter of surprise that more has not been done, it is a subject for congratulation that such results have already been secured notwithstanding the difficulties of no ordinary character with which we have had to contend. It was not to be expected that the notions of superiority over other Governments which the isolated position in which the Government of China had so long entrenched itself had served to foster, should at once give way to a conviction that its claims in that respect were unfounded; or that the arrogance of the Authorities and the prejudices of the people should be altogether exchanged for feelings of cordiality and goodwill towards those who by force of arms had acquired a right to be treated with consideration and respect.

Neither was it to be expected that Trade should immediately receive the full development of which, judging from the vast population of the Country and from the productiveness of the soil and industry of the inhabitants, it might be supposed susceptible. There were habits of long-standing to be overcome, prejudices deeply rooted to be softened down, new Marts for Trade to be established, new arrangements to be made for meeting the increased demands of the Foreign Merchants for the produce of the soil. And it cannot be doubted that much of the disappointment which had been felt at the limited expansion of our intercourse with China since the conclusion of the Treaties, has originated in a disregard of these considerations.

We have now however arrived at a stage in our intercourse with China in which we may hope to turn to account the experience which during the last few years we have acquired. On the 29th of August of this year the period will have arrived at which, in conformity with the stipulations contained in the French and American Treaties with China, admitted by Keying (in his note of the 13th of January 1845, inclosed in Sir John Davis's despatch No. 5 of the 7th of February of that year) to be applicable

to ourselves in virtue of the eighth article of the Supplementary Treaty of Humanchai [The Bogue], we are entitled to claim a revision of the British Treaties with China. It will accordingly be advisable at an early period after you enter upon the active exercise of your duties, to apprise the Chinese Authorities of your being instructed to require such a revision at the appointed time. I should observe however that there is a difference between the stipulations of the French and American Treaties on this point, the period of twelve years dating by the former from the exchange of ratifications, by the latter from the date of the Convention.

The Chinese Authorities may perhaps and with some degree of plausibility object that the circumstances of the time are unsuitable for the commencement of so important a work : that the Imperial Government, harassed by the insurrection which convulses so many of the provinces, cannot be expected to give its immediate attention to the subject. You will best be able to judge of the validity of this excuse : but you will under any circumstances obtain a recognition of our right to claim the revision on the 29th of August next, and a formal admission that if out of consideration for the embarrassments of the Imperial Government we are willing not to insist immediately upon our right, we are not to be precluded by our forbearance from urging our claim at a later period.

Some advantage may indeed arise from the postponement of the revision for a moderate time. In the first place, we shall have better means of judging of the probable result of the insurrection and be enabled to shape our negotiations accordingly.

It is impossible moreover that the barriers which have hitherto opposed the extension of foreign intercourse can be maintained under the state of anarchy which now prevails in some of the provinces ; and we cannot fail, as a consequence of the civil war, to obtain greater insight into the character of the Authorities and the people of China, and in regard to the points to which our commercial energies may be directed with greater prospect of success ; while on the other hand, the Chinese Authorities themselves will be induced to take a more correct view of foreign nations by the conviction which has been forced upon them, and of which they have given proof in the anxiety shown at Shanghai to enlist them in the Imperial cause, that their own boasted superiority has no real existence.

A moderate delay in the revision of the British Treaties may not also be without advantage by causing that operation to be effected more closely in point of time with that of the French and American Treaties, for it may be expected that the combined endeavours of the British, French and American Negotiators will be more likely to carry weight with the Chinese Government, than any exertions which may be made by either of those Powers singly to effect an improvement in the present state of things. But whether acting singly or in conjunction with one or both of your colleagues, you will never fail to bear in mind that Her Majesty's Government have no exclusive or selfish views as regards China. They desire that all the nations of the civilized world should share equally with them in whatever benefits, commercial or political, circumstances may enable them to secure for the British Nation in the Chinese Empire. They have nothing to conceal as regards their policy, and therefore you will be at liberty to communicate to your colleagues with the most unreserved freedom all matters to which in the course of your negotiations with the Chinese Authorities your attention may be directed. And in the full assurance that the feelings of Her Majesty's Government in this respect are shared by the Governments of France and the United States, I shall

not hesitate to direct Her Majesty's Representatives in those Countries to communicate to the respective Governments the Instructions contained in this despatch.

In all your dealings with the Chinese Government you will always bear in mind that nothing is likely to be more fatal to our influence in China than the adoption of an authoritative tone in advancing points or urging concessions on which we are not prepared to insist. Such a course of proceeding would infallibly have the effect of encouraging resistance even to our best founded demands, and we might find ourselves on very inadequate grounds, and at a very inopportune moment reduced to the necessity of choosing between one of two alternatives, either of retracting our pretensions with loss of consideration and dignity, or of insisting on them at the risk of interruption of our commerce, and even of resort to force in support of our demands. There are unquestionably points which it would be desirable to secure, and to which we have even a right by Treaty; and among those I would mention free and unrestricted intercourse with the Chinese Authorities, and free admission into some of the cities of China, especially Canton. The treatment of these questions however requires much caution; for if we should press them in menacing language, and yet fail in carrying them, our national honour would require us to have recourse to force; and in order to obtain results the practical advantage of which is not clearly demonstrable, we might place in peril the vast commercial interests which have already grown up in China, and which with good and temperate management will daily acquire greater extension.

But whenever we negotiate for the revision of our Treaties we may make proposals and recede from them without dishonour, if found unpalatable to the Chinese Government; and I do not therefore feel any hesitation in pointing out to you several matters which Her Majesty's Government conceive may very properly be urged on the Chinese Government.

The points are stated at length in a despatch which I addressed to Sir George Bonham on the 7th of May last, and as you will have the means of referring to that despatch, it is unnecessary for me to do more than enumerate them. They are:

1. To obtain access generally to the whole interior of the Chinese Empire as well as to the cities on the Coast: or failing this,

2. To obtain free navigation of the Yangtze Kiang and access to the cities on its banks up to Nanking inclusive, and also to the large and populous cities within the seaboard of the Chekiang Province.

But I must observe that in the improved prospects of the Port of Foochowfoo, Her Majesty's Government would not be prepared, as they were in May last, to barter without further consideration that Port for concessions in any other quarter.

3. To effect the legalization of the Opium Trade.

4. To provide against the imposition of internal or transit duties on goods imported from foreign Countries, or purchased for exportation to foreign Countries.

5. To provide for the effectual suppression of piracy on the coast of China.

6. To regulate, if possible, the emigration of Chinese Labourers.

7. To secure the permanent and honourable residence at the Court of Peking of a Representative of the British Crown: and if that cannot be obtained,

8. To provide for habitual correspondence between Her Majesty's Representative and the Chinese Chief Authority at the seat of Government, accompanied with sufficient security for the passage of the correspondence without interruption on the part of local authorities.

9. To provide for ready personal intercourse at the desire of either party, between Her Majesty's representative and the Governor of the Province in which for the time being he may be residing.

10. To provide that, in the construction of the Treaty to be concluded, all doubts are to be solved by reference to the English version and that alone.

Your long experience of Chinese affairs may suggest to you other points for which it may be desirable to provide, and in regard to such, you may use your own discretion, taking care that whatever you urge be distinctly expressed, and in a manner not to admit of dispute or question hereafter, if the Chinese should agree to your proposals at the present time.

Much advantage would probably result from the negotiation for the revision of the Treaty being carried on at Peking, and you will accordingly propose to repair to that capital for the purpose. But as in the case of the permission given in 1850 to your predecessor to proceed to Peking for the purpose of having personal communication with the proper officers of the Imperial Government on matters of complaint which we had at that time against the Authorities at Canton, you will in the event of your going to the Chinese Capital for the negotiation of the new Treaty be careful not to give to your visit the character of a Mission to the Emperor involving questions of etiquette.

I need scarcely caution you against taking any part in the Civil contest which now rages in China. Justice and good policy equally prescribe to us the observance of the strictest neutrality between the contending parties. But you will at the same time take care that no injury is done to British Subjects by either party, as long as they keep aloof from the contest. If any ill-judging Individuals should be tempted by prospects of gain to favour the cause of either party, notwithstanding the declared determination of their Government to remain neutral, they will forfeit all claim to your protection, whatever prejudice they may suffer either in their persons or in their property from their wanton disregard of their obvious duty.

But as regards the rest of Her Majesty's subjects it will be your duty in communication with Her Majesty's Naval Authorities to afford them the most ample protection on all occasions and at all places where they stand in need of it.

I have only to add in conclusion that, in cultivating the most friendly relations with the Representatives of other Powers in China, you will act in the manner most consistent with the wishes of Her Majesty's Government.

CLARENDON.

## APPENDIX R

### SIR J BOWRING TO LORD CLARENDON

No. 164

SHANGHAI, 2nd October, 1854.

MY LORD,

I have the honour to submit to Your Lordship the synopsis of a conference which lasted several hours, held on Saturday at the British Consulate between the Ministers of the three Treaty Powers and the Governor of this province, accompanied by the Taoutae and two other Mandarins of high rank.

The Mail will be closed before I shall be able to report to Your Lordship the result of the interview which is to take place to-morrow, at which we have determined to announce to His Excellency the Governor, that the three Ministers mean to proceed to the Peiho without delay, as the most likely step to obtain a hearing from the Imperial Court and of urging the propriety of a new Treaty with China, adapted to the present political condition and circumstances of the Country and the fair expectations of our respective governments.

With regard to the duties in arrear, we have decided on stating to the Mandarins simply that new complications have necessitated further delay. Mr. McLane reserves to himself full liberty of action, but I shall indeed rejoice if by any means he can be induced to stop further proceedings until I can learn from Your Lordship whether my position in this grave affair is to be one of isolation or of co-operation with the ministers of the United States and France.

JOHN BOWRING.

P.S.—Since writing the above I learn from the French Minister that the Admiral (having no other ship of war in which to hoist his flag in consequence of the damages done to the Frigate *Jeanne d'Arc*) has refused to place the steamer Colbert at Monsieur Bourboulon's disposal—and as he thinks he cannot becomingly go to the Peiho with me in Her Majesty's steamer "Rattler", he will send communications through me to the Chinese Court.

J. B.

### ENCLOSURE IN NO. 164.

MEMORANDUM of an interview held by appointment at the British Consulate, Shanghai, on Saturday, September 30th, 1854, between Their Excellencies Sir John Bowring, Mr. McLane, and Monsieur Bourboulon on the one hand, and Governor Keih of Keangsoo on the other. Present, the respective suites of each functionary.

After exchange of compliments Governor Keih opened the conversation by enquiring what the British and United States Ministers had done and where they had been since the last occasion when he had the pleasure of meeting them.

*Mr. McLane*, taking the lead, replied. His British Colleague and himself had been to Hongkong, where Sir John had remained during the whole time of his stay in the South. He himself had however visited Canton. After his arrival in the South he received instructions from the United States Government acquainting him that the British Minister had been directed to call upon the Chinese Government to consent to a revision of the Treaties, and directing him to give his hearty co-operation to the British Minister towards the attainment of that object as well as to aid him in all measures intended for the advancement and benefit of commerce generally. These instructions he at once communicated through Dr. Parker to the Imperial Commissioner Yeh, who, having received a despatch on the same subject from Sir John Bowring, deputed two officers to meet Dr. Parker, United States Secretary of Legation at Canton, and Mr. Medhurst, the Secretary to the British Plenipotentiary. Their conferences resulted in a letter from the Imperial Commissioner to the British Minister stating he only possessed power to make inconsiderable modifications in existing Treaties; but negotiations for grave changes he could not presume to enter upon without the Emperor's sanction. On being made acquainted with the contents of that letter, Mr. McLane caused a further communication to be made to the Imperial Commissioner informing him that, although anxious for his own sake to secure useful modifications in existing Treaties and desirous to carry out the special instructions he had received on the subject, it would be mere waste of time for him to discuss the matter with one who was not authorised to deal with it—and there his correspondence with Yeh had ended. The Imperial Commissioner had declared his unwillingness to act, with full knowledge of the satisfactory intercourse that had passed between the British and United States Ministers and the Keangsoo Authorities, for the deputies had related in detail to the Commissioner's delegates all that had been done in the Imperial interest at Shanghai, and had explained distinctly how willing the Keangsoo Authorities had been to further foreign interests, had it been in their power to do so.

*Governor Keih* here enquired whether the statement of Commissioner Yeh expressing his inability to act without special instructions had been given in writing, and if so, whether the document was at hand and could be shown to him.

*Mr. McLane* replied that it had been given in writing to the British Plenipotentiary, who no doubt had brought it with him to Shanghai.

*Governor Keih* then enquired where the Commissioner's delegates had met the deputies of the British and United States Ministers.

*Mr. McLane* replied the interview had taken place at the Factories.

*Mr. McLane*, then resuming his statement, went on to say that when he left Shanghai he had expressed his intention not again to seek the Imperial Commissioner. This intention he would have preferred to carry out. But having received the instructions of his Government to co-operate with Sir John Bowring, and having been entreated by him to make one more trial on the faith of what Governor Keih had assured them, he had not scrupled to make one more effort to treat with Commissioner Yeh, and he had failed. He had now returned to Shanghai more than ever determined to get access to some authorised agent of the Imperial Government and to obtain a hearing at any cost. His orders from the United States Government were already known to Governor Keih. To these were now added the strict injunction to assist the British Minister

to the utmost of his power in inducing the Chinese Government to revise the existing Treaties, which he conceived, looking at the present aspect of affairs political and commercial, most urgently required numerous and grave alterations. This object, he, in common with his colleagues British and French, was determined to effect, and hence they had come together to Shanghai united in mind and purpose, to take such further steps as might be deemed necessary. He would now leave his friend Monsieur Bourboulon to say a few words.

Governor Keih begged to enquire first of the United States Minister whether he or his colleagues had any objects in view other than those already communicated in former interviews.

Mr. McLane replied that he had cherished no other intentions than those formerly made known. Keih therefore knew his whole heart, which he would find unanimous with those of his colleagues, both of whom sought but one end, the establishment of international relations on an improved and proper basis.

Keih expressed himself very much gratified to hear that no new subjects of discussion were to be introduced.

Monsieur Bourboulon, requesting a few moments' attention, here addressed himself to the Governor. He had also received express instructions from his Government to co-operate with the British Minister in obtaining a revision of Treaties, and securing every possible advantage in the general interest of the trade. Independently of his duty in reference to these instructions there existed several causes of dissatisfaction with the present state of international relations between France and China with which of course he alone had to deal, and which urgently demanded the grave consideration of the Imperial government. The instructions he had received with reference to the British Minister's proceedings had been duly communicated to the Imperial Commissioner, who had, however, treated the communication with silence. Sir John Bowring had indeed informed him that the Imperial Commissioner had represented himself unable to treat on weighty diplomatic questions without the Emperor's express sanction, but Commissioner Yeh himself had told him nothing. He had in consequence, before leaving Macao, protested officially against the discourtesy of the Chinese Commissioner, which he could not but confess had caused him unfeigned astonishment. Such then were his reasons for seeking access to some authorised functionary other than Commissioner Yeh, namely, the special instructions he had received added to the original causes for dissatisfaction, and the pertinacious unwillingness of the Commissioner to attend to his representations. He would appeal to Governor Keih and ask him whether he was not justified under the circumstances in reporting to the Emperor of the French that he had absolutely no resource but to address himself to some higher functionary of the Chinese Court. As one of the causes of dissatisfaction to which he had alluded, he would instance the ill-treatment of the Roman Catholic converts in the interior. The Treaty stipulated that such persons should enjoy complete toleration in the practice of their peculiar faith: yet they had been maltreated and persecuted; and though repeated representations had been made with respect to particular cases to both the local and supreme provincial authorities, no redress had ever been obtained. What alternative had he then but to appeal to the Court itself and endeavour to procure from it that reasonable attention to his representations which its provincial functionaries had failed to accord? Further than this he had no more to say.

*Governor Keih*, in referring to the persecution of native Christians alluded to, begged Monsieur Bourboulon to name what he would have done to set right the particular cases he had in his mind.

*Monsieur Bourboulon* replied that he referred to no particular instances, but named persecution of native Christians as one of the points on which Treaty stipulations had been grossly disobeyed.

*Governor Keih* then remarked that Monsieur Bourboulon's statement did not bear out Mr. McLane's assurance just given, that there were no new elements of discussion to be brought in.

*Mr. McLane* denied that any novel subjects of discussion had been introduced. Whatever the grievances might be of which each Minister had to complain, they all had but one subject at heart, the effective improvement of international relations with China.

Monsieur Bourboulon having concluded,

*Sir John Bowring* said that ever since the Treaty of Nanking had been made, successive Plenipotentiaries had again and again had occasion to represent to the Imperial Commissioner at Canton that proper effect was not given to all its stipulations; but their representations had met with little or no attention. They had in consequence under instructions from the British Government repeatedly addressed the provincial high functionaries of China with a view to having their complaints laid before His Imperial Majesty: but no satisfactory result had been secured. Notwithstanding this inattention to their reasonable requirements, the British Government had not taken steps, as they might have done, to enforce respect to their representations; being unwilling to resort to measures of a hostile or compulsory character. Their forbearance had never been appreciated by the Chinese Government, who, attributing it to weakness alone, have continued up to the present moment to baffle all their efforts to obtain a hearing. The time has, however, now come when England has a right to demand attention to all reasonable requisitions she may make upon China with a view to the advantage of both countries; for only such does she desire to press upon the Chinese Government; as she wishes for nothing that will benefit her own people alone. He alluded to the date at which the Treaty had to be revised, the 29th of August of this year. Foreseeing that they should avail themselves of this opportunity for bettering our commercial relations, the British Government had communicated with the United States and French Governments and obtained their consent to combined action in order to secure the object each country had in view. He had accordingly received instructions to remind the Imperial Government that the time for the revival of the treaty had come, and having ascertained that the French and United States Ministers had been directed to support him in pressing the matter upon the Chinese Authorities, he had in conjunction with them made another effort while in the South to induce the Imperial Commissioner to entertain the subject. With what success the Governor was already aware. This last effort to communicate with Yeh he and his colleagues would not under any other circumstances have made: but having been assured by the Governor when he last had the pleasure of an interview, that Yeh had received the Imperial command to attend to the representations of the Foreign Ministers, he thought it expedient to make one more attempt before coming north.

*Governor Keih* here interrupted to enquire whether the denial that he had an Imperial decree had been given by Commissioner Yeh in writing or only verbally.



On being assured that the denial had been given in the most distinct terms, through the delegates appointed to meet Dr. Parker and Mr. Medhurst, and that a subsequent letter from Yeh to Sir John Bowring stated their report of the conversation had been placed on record,

*Keih* remarked that he had made the statement on the best authority; indeed he could not have dared to declare the Emperor had given such instructions unless such had actually been the case, for he would have incurred the guilt of misrepresenting the Imperial will, a crime by statute punishable with death. He begged to aver most distinctly that Yeh had received such instructions; and he feared that the Delegates were the persons on whom the onus of the misstatement must lie, as there was no doubt the decree had been sent to the Commissioner.

*The three Ministers* having unitedly expressed their full confidence in the veracity of the Governor, Sir John Bowring went on to state that, having failed so signally once more in inducing the Imperial Commissioner at Canton to entertain their representations, he and his colleague had no resource but to return hither; and they had sought this interview simply for the purpose of informing the Governor that they had come to the determination to go together to the Peiho and endeavour to get a hearing from the Emperor himself through some high functionary of his Court.

Refreshments being now introduced, and the servants present, the subject was dropped. After tiffin

*Governor Keih*, remarking he had much to say in reply to all he had heard, begged the doors might be again closed, and their confidential conversation resumed. He then asked to see the letter from the Imperial Commissioner to Sir John Bowring. On its being produced he at once pronounced it to be a vague unsatisfactory document, unworthy of a man charged with the Commissioner's responsibilities; and he showed it to his suite, who gave the same opinion. Addressing himself again to the Ministers he enquired whether they were aware of the many difficulties that would attend their proposed attempt to communicate with the Court at the mouth of the Peiho. They might find those districts in a state of rebellion, and come into unpleasant collision with armed bodies of men; and even if they found the country quiet they could not, without much delay, procure responsible functionaries to receive their statements. And when procured these would certainly not surpass himself in rank or influence, and would labour under the disadvantage of inexperience in dealing with foreigners, and ignorance of the merits of their case. Vicinity to Peking would be the only point secured by negotiating at the Peiho instead of at Shanghai, but in all other respects the objects of the Ministers would be in no way furthered by the change.

A desultory conversation here ensued upon the Governor's remark, and the Ministers eventually begged *Keih* to propose some alternative which would preclude the necessity of their going to the Peiho.

*Keih* replied that he was now in a better position to give effect to his former offer of sending for the Ministers a representation to Peking. When they were last at Shanghai, though willing to assist them so far, he was bound when informed of the Emperor's edict to Commissioner Yeh to withdraw at once from all further action in the matter. Now however the case was different. His advice to return to Canton had been taken, an effort had been made to induce Yeh to do his duty, and it had failed, as Yeh's letter too plainly showed; he would be justified therefore in interfering to send up any representations the Ministers might wish to make rather than they should take the step they proposed.

After some little discussion with regard to the mode of forwarding the Ministers' representations, and on the Governor's offer being placed in a distinct and unmistakeable form, the Ministers consented at length to give it their best consideration before coming to a final decision, promising to return a definite answer on Monday next.

An arrangement having accordingly been made for the return of the Governor's visit, and the delivery of the Ministers' ultimatum at the same time, the meeting broke up.

During the interview the Governor more than once made allusions to the subject of duties, but no encouragement being given it was not prosecuted.

## APPENDIX S

### SIR J. BOWRING TO LORD CLARENDON

No. 165.

SHANGHAI, October 4, 1854.

MY LORD,

In continuation of my despatch No. 164, dated 2nd Instant, I have now to report to Your Lordship the result of the conference between the governor of this province (accompanied by two mandarins of high rank) and the Ministers of the three Treaty Powers. The visit took place at the Imperial camp, and as regards the mode of reception and personal attentions shown me, I had every reason to be satisfied. I enclose a memorandum of what took place.

As I anticipated, everything that ingenuity could suggest was placed before us to induce us to abandon or delay our visit to the Peiho, even to that last personal appeal that we might entail ruin upon those who had given so many, and were willing to give more proofs of their desire to forward our objects. But here as elsewhere I have deemed it prudent to give effect to those opinions which are the foundation of my policy and my proceedings in China, namely, that the purposes of the Chinese Officials are distinctly and decidedly opposed to our own; so that distrust and not confidence is the only safe ground to occupy in our relations with them. The strength of my desire to adopt a particular course of action is therefore generally measured by the amount of resistance to it which I experience from the Imperial Authorities.

The single concession we made was that we might delay our departure to the Peiho for a few days in order to enable the Governor to prepare the high authorities for our coming.

The question of the Duties was not introduced at this meeting, and we avoided it. Mr. McLane hopes he shall be able to defer his award. This is of the highest importance; for I trust it will enable me to recover the position from which I have been temporarily displaced by the instructions of Her Majesty's Government.

JOHN BOWRING,

## ENCLOSURE IN NO. 165

MEMORANDUM of Conference between Governor Keih and the British, United States and French Ministers, held at the Imperial Camp at Sinchah [Sinza], October 3rd, 1854. Present: Lau Taoutae, Prefect; Dr. Parker, Messrs. Klecskowski, Hillier, Caine, and Medhurst.

*Sir J. Bowring.* We are glad to have the opportunity of returning Your Excellency's visit. Have you any news? What are your latest tidings from the Capital?

*Keih.* Our news is down to the 28th of August. There is nothing of interest.

*Sir J. Bowring.* To your offer to convey our communications to Peking we were to give a definite reply to-day. We have had a Conference and have determined to go to the Peiho; at the same time we are obliged to you for your kindness.

*Keih.* What more have you to say?

*Sir J. Bowring.* We shall go thither in the earnest desire to make friendly arrangements with the Emperor of China suited to the present condition of the Country. If in any respect it would be a gratification to you to send any one to accompany us, we will gladly give him a passage; or if you like to send a letter we will bear it.

*Keih.* As you have consulted together, and come to this decision, I cannot say anything against it, and have no right to object. I have not the power to attend to foreign affairs. You go with the full understanding that it is not on account of any mismanagement on my part. I will not even say that your going will get me into trouble.

*Sir J. Bowring.* We shall certainly say to the higher authorities that you exerted yourself to the utmost to perform your duty here, by doing all that it was in your power to do for us.

*Keih.* In respect to what I said the other day, that you were to go down to Canton, I will tell the Emperor that you went as I suggested and it was of no use. The Imperial will was to refer you to the Viceroy at Canton; and I have done my duty and must write in reply to the Emperor to this effect.

*Sir J. Bowring.* Would you not like to avail yourself of our going to state this to the Emperor, as we shall arrive there before your letter?

*Keih.* I will write and say that I obeyed the edict, and asked you to go down, and that you did go down and came back again. I must send this letter overland.

*Sir J. Bowring.* But our letter will reach sooner than yours.

*Keih.* I am not allowed to send by ship; there are certain official rules that I am obliged to obey.

*Mr. McLane.* I told the Viceroy last June that I would not go back to Canton, and so I told the United States' Government; but in consequence of what you said, I went back. I wrote a letter to Viceroy Eleang saying that I would not go back; but out of respect to you I went back; and this I will tell the Emperor. I appeal to Prefect Lau, whether I did not tell Eleang that if he sent my papers to Yeh, I would certainly go to Peking; because Yeh had behaved so badly.

*Keih.* I must report that you complied with my wishes.

*Mr. McLane.* I want you fully to understand what I have said.

*Keih.* As regards your offer of just now, my memorial will reach Peking as soon as you. You will get to Teentsin in 6 days and it will

be 6 days more before you get an answer, which will bring you near to the time of the arrival of my letter.

*Mr. McLane.* I want you to understand that I have told you from the beginning, and so have I told Eleang, that I would not go on account of the Treaty alone; but I am persuaded that we cannot keep peace unless the Treaty is altered. My people cannot keep the Treaty in the present state of China. If I am refused I give full warning that the peace will not be kept with my people. As for my own sincerity and desire to keep the peace I make no professions; you yourself know from my own actions throughout, whether it is my desire or not to keep the peace. You can judge of my conduct.

*Keih.* When you get to Teentsin you had better write what you have to say to me of the Cabinet Ministers (to heo sz): put in detail all that you want to say, and I will at the same time say what happened here and what your object is, and there is no doubt that the Emperor will send a man to you either here or at Canton. It will be much better that you do not go to the Capital at once, as people will be frightened.

*Sir J. Bowring.* I quite agree with Mr. McLane. We must either strengthen our alliance or our merchants will insist on being emancipated from the trammels of present Treaties.

*Keih.* I agree that modifications are reasonable enough, but persons who say that Treaties are not to be fulfilled ought not to be heard.

*Mr. McLane.* Such people are not to be heard; but the merchants say that as the other side of the Treaty is not kept, therefore they ought not to be made to keep their side.

*Keih.* The merchants say this; but they have their trade and their shops.

*Mr. McLane.* They have the opportunity to buy but not to sell.

*Keih.* Your remark is reasonable.

*Mr. McLane.* That is the great trouble. Last summer that was all that I asked you to do, to send the goods into the country. I said that bye and bye we should not be able to find any more dollars.

*Monsieur Bourboulon.* I have received orders from my Government to support Sir John Bowring, and the present Treaty is not such as the existing state of affairs requires. I applied to Yeh, but could not get any satisfaction, and I am obliged to refer to Peking.

*Keih.* (The interpreter, M. Kleckowski, said that the reply was similar to that given to Sir John Bowring.)

*Monsieur Bourboulon.* Our object is entirely amicable, and will be beneficial to both parties. It is of the greatest importance to the Chinese Government to enter into amicable negotiations with the three Powers; for many reasons it is advisable that the Emperor should hear what we have to say. If you can forward this you will render good service to the Emperor. (While Monsieur Bourboulon was speaking, Keih made a remark to the effect that he would be very much pleased if the negotiations were successful.)

*Keih.* The memoranda the British and American Ministers gave me before I did not copy. I shall be glad to get copies of these. I shall be glad if you will delay a few days. I will get an answer from Peking, and then we shall be able to know the state of feeling there.

*Sir J. Bowring.* We will not go till Monday in consequence of what you say.

*Keih.* Would it not be much more convenient to wait until I get an answer?

*Mr. McLane.* We have determined on the step of going to Peking ; our reason for this is the distance of Shanghai from the Capital.

*Keih.* It is much closer ; but you will not have the advantage of me for a friend.

*Sir J. Bowring.* I wish you were going with us.

*Mr. McLane.* I have taken care to tell the Emperor in my letter that everything has been done at Shanghai that could be done.

*Keih.* You pay me too great a compliment. Don't say that. (During the conversation that preceded these last remarks, Keih incidentally said that it was a very grave step, as if there were a failure matters would be worse. To which Mr. McLane replied that this point had been well weighed ; that they had delayed as long as possible ; that they might have gone last summer, but had postponed the visit owing to their reluctance to take such a step.)

*Keih.* I still think it will be better that I memorialize now that Yeh has refused.

(In reply to a remark that the Ministers might have gone with ease last July)

You stated the other day that you did not go because you had not ships.

*Mr. McLane.* We are going now in precisely the same ships as we had then.

*Keih.* I do not look at it as a question of ships. You had no ships when you were here before, and I did not do anything to frighten you ; you should not now talk of frightening us with the mention of ships.

*Mr. McLane.* In reference to my remark as to the gravity of the step, you know that we have plenty of ships, and it is not for us to mention this. We go with single ships. If our mission fail, it is not for us but for our Governments then to say what shall be done.

*Keih.* I merely made to the Interpreter a casual remark about ships in reference to what the Admiral said before that he could bring all his ship, upon this settlement.

*Mr. McLane.* If we are not received, the sequel is with our own Governments ; our duty will have ceased.

*Keih.* I understand perfectly. (Keih here announced Lunch, and the conversation assumed a private character. Keih thanked Sir John Bowring for a present of wine, which he hoped Sir John would now help him consume. After tiffin the Conference was resumed as follows.)

*Keih.* I feel more and more convinced that my plan is the best, if you would only listen to it.

*Sir J. Bowring.* We have fully made up our minds to take the course we have told you of. Our object is to strengthen the feeling of amity between the two nations ; if we fail then our Governments must take the proper measures. Our determination cannot be changed.

*Keih.* It depends on your objects. If your object is only to succeed, you may succeed by staying as well as by going ; if your object is to find fault, you had better go.

*Mr. McLane.* Not only do we not want to find fault, but we have abstained thus long from going because we felt sure that the Emperor would be angry if we came. We wished to avoid giving trouble to anybody. As we have told our Governments that we are going, if we should happen to wait now it would not do. Nothing remains but to go to Peking ; if we were to wait now we should be very much embarrassed. The intercourse of last summer was reported home ; so was what passed in August : if we should listen to you now and the Emperor did not do

what you say he would do, our position would be very bad. But if we fail now our duty will have been performed, and our case will be a good one. You have done all that you could. We have taken your advice, but neither Governors nor Viceroy's will listen to us.

*Keih.* Supposing a failure as you say, you can still go up.

*Mr. McLane.* For two reasons we cannot listen to this: first, it will be winter; secondly, if the Emperor does not comply with our wishes then we ought not to go. If we let you write and the Emperor said no, we should not go, we should be in the same position as if we had gone to the Peiho and the Emperor had said no; but then our Governments would say, Why did you not go to the Peiho? We are anticipating always that we may be refused; and if we are to be refused, we had better be refused there than here.

*Keih* here begged to retire with his suite in order to consult further on the matter; on returning he remarked: Why I am so anxious and so tenacious about the matter is, that if you go I shall get into trouble and disgrace. If you will wait I will undertake that in 28 days you shall have an answer from the Emperor. If you go, the Emperor will say that on learning the result of your further application to Yeh, I ought, notwithstanding, to have kept you at Shanghai; and that, moreover, I ought to have first reported to him that you were coming.

*Sir J. Bowring.* We have the kindest feelings towards you, but we have a responsibility to our own Governments, as you have to your Government. If we get a refusal, we cannot consent to receive it at any other place than the Peiho.<sup>1</sup>

*Mr. McLane.* We have the power to go or to stop; but our Governments would not forgive us if we took the refusal at any other place than the doors of the palace.

*Keih.* I don't wish you to fail. I should not like to meet you here after such a failure.

(This remark closed the Conference.)

## APPENDIX T

### LORD CLARENDON TO SIR J. BOWRING

No. 75.

F.O., LONDON, March 7, 1856.

Sir,

With reference to the Instructions with which in your despatch No. 11 of the 5th of January you state Mr. Parker the newly arrived United States' Commissioner to be provided in regard to the negotiations into which he is directed to enter with the Chinese Government, I have to state to you that it is the wish of Her Majesty's Government that you should act in concert with the French and United States' Commissioners in order to induce the Chinese Government to carry out in a satisfactory

<sup>1</sup> M. Klecskowski remarked that Keih had expressed his astonishment that persons professing to have plenary powers should give him to understand that they were compelled to take a particular course of action.

manner its engagement in regard to revising at a stated period its Treaty Engagements with the three Countries, and also to consent to the establishment of Diplomatic Missions on the part of the Treaty Powers at Peking and to the opening of all the ports of China to foreign commerce.

The Instructions which were given you on these and other points connected with British Relations with China upon your departure from this Country sufficiently explain the views of Her Majesty's Government, and those instructions will serve generally for your guidance in any negotiation in which you may now engage.

I have transmitted a copy of your Despatch to the Board of Admiralty, and I have apprized that Department that you are authorized to act in concert with the French and United States' Commissioners for the attainment of the objects to which the attention of the latter is more specifically drawn in the Instruction from his Government, of which an account is given in your despatch.

CLARENDON.

## APPENDIX U

SIR J. BOWRING TO LORD CLARENDON.

No. 200.

HONGKONG, 1 July, 1856.

MY LORD,

I have the honour to forward to Your Lordship copy of a letter I have received from the United States' Commissioner announcing his intention of proceeding to the Northern Ports of China, and thence to the Gulf of Pecheli, with a view of opening negotiations for the revision of the Treaty of Wanghia. I also enclose copy of my reply.

Even had the British Admiral received instructions to place the fleet, or any portion thereof, at my disposal, for the purpose of actively co-operating with the American Minister, I should have thought two ships of war an utterly inadequate contingent on the part of the United States for the purpose of effecting any important object. I am told by the French *Chargé d'Affaires* that he can do nothing whatever, as he has not a single ship at his service. Sir Michael Seymour informs me he has no orders which enable him to offer any naval force to myself. I therefore have declined at present to enter into any engagement to accompany Dr. Parker to the Gulf of Pecheli. I anticipate his utter failure, and fear the step he proposes to take will in no respect forward the common object. I consider Mr. McLane and myself to have exhausted amicable representation in 1854, as I then reported to Your Lordship. A weak demonstration will confirm the obstinacy of the Court, and the Mandarins, whose scornful contempt has of late been more than ever exhibited in the non-acknowledgment by the Imperial Commissioner of the most important communications. To say nothing of ordinary current business, to which I cannot obtain any, the slightest, attention, from His Excellency Yeh, he has not condescended to give any reply whatever to either of the communications of the Treaty Powers demanding

the revision of Treaties, nor to the despatch I sent on the 17th April, as reported in mine to Your Lordship No. 134 of 19 April on the subject of the Inspectorships. This neglectful and insulting silence is in itself a grievance of an intolerable character. The succession of Imperial honours which have been showered down on the Imperial Commissioner since his successes over the rebels appear to have made him wild with pride and vanity, and I am by no means sure that the simplest and safest policy would not be to humble that pride by *insisting* on an official reception at Canton, a reception which I believe he would not dare to refuse if he were informed that it would be *enforced* by us, if it should be denied by him. In such case I do not anticipate any refusal or denial, nor do I think an entrance into the City would be accompanied with risk or danger to myself or suite.

I wait with natural anxiety the views of Her Majesty's Government in reference to the many grave topics which have been from time to time pressed on Your Lordship's attention. In my present isolation I am able to accomplish nothing. If the settlement of Japanese matters be expected from me, a respectable fleet is a *sine qua non* for success; if any serious efforts are to be made to extend and improve our relations with China, ships of war are absolutely necessary; and if Cochin China is to be opened, I must have the means of proceeding to Hué, so as to compel attention from the Annamites. But I am in no condition to undertake anything at present, and I am informed by Sir Michael Seymour that if other instructions do not reach him it is his intention to proceed to India on the breaking up of the South West monsoon.

Meanwhile, we are losing time and influence in China, and I am wholly unable to avail myself of advantages which the present condition of the country might offer, keeping constantly in view that neutrality between contending parties which it is our duty and policy to observe.

JOHN BOWRING.

ENCLOSURE NO. 1 IN DESPATCH NO. 200

DR. PETER PARKER TO SIR J. BOWRING

LEGATION OF THE UNITED STATES,  
HONGKONG, 30 JUNE, 1856.

SIR,

In accordance with that harmony of view subsisting between our respective Governments as regards their policy towards the Government of China, and the desire that has been expressed for the pursuit of a concurrent action by their Representatives in China in carrying out that policy, particularly in relation to the revision of Treaties, I deem it proper in a few words to acquaint Your Excellency with my plans as far as formed.

I propose to embark on the 1st proximo on the United States' ship "Levant" for Shanghai, visiting the intermediate ports of Amoy, Fuhchow, and Ningpo *en route*. At Fuhchow it will be my endeavour to have an interview with his Excellency Wang, Viceroy of the Min and Cheh Provinces. If circumstances favour, I may visit other than the above named Ports.

At Shanghai I expect to be joined by Commodore James Armstrong,



with the United States' steam frigate "San Jacinto." Commodore Armstrong expresses his sanguine expectations, in the ordinary course of events, to have performed his duties as respects Japan, and to be at Shanghai by the 10th August, when "he will be very much at my service." From the 20th August to the 1st September it is my wish to proceed with such United States' Naval force as may be then available to the Gulf of Pe-che-le, with a view to opening negotiations for the revision of the Treaty of Wanghia. A course to which my instructions restrict me.

I need not assure Your Excellency of the extreme satisfaction it will afford me to learn that in the meantime the long expected instructions and authority from Her Britannic Majesty's Government and from His Imperial Majesty the Emperor of the French shall have been received, and thus concurrent and simultaneous action on the part of the three great Western Powers, so much to be desired, will be realized. If anything shall occur to render the plan above defined impracticable, I shall inform Your Excellency by the earliest opportunity.

In thus briefly addressing Your Excellency, It will be apparent that many things that have been fully considered are assumed to be mutually understood.

PETER PARKER.

ENCLOSURE NO. 2 IN DESPATCH NO. 200

SIR J. BOWRING TO DR. PETER PARKER

No. 147.

SUPERINTENDENCY OF TRADE,  
HONGKONG, 1 JULY, 1856.

SIR,

I have to acknowledge Your Excellency's letter of yesterday's date, and to thank you for the frank and friendly exposition of your intentions which it conveys.

I have nothing more at heart than to lend an earnest and cordial co-operation for the purpose of effecting a revision of our Treaties and the giving to our commercial relations with China more development and greater security. But I deem the question one of extreme difficulty, and only to be usefully entered upon by a display of a becoming naval armament to support diplomatic authority.

I regret to convey to you my opinion that to proceed to the Gulf of Pechele with an inadequate force will in no respect advance the settlement of the question, or place matters on a better foundation than they were left by His Excellency Mr. McLane and myself, after our expedition in 1854. I am quite willing and desirous to approach the Capital of China, whenever I can do so in a manner to enforce respect and obtain attention; but by subjecting ourselves to new humiliations and repulses which we neither resent nor supersede, we shall in my judgment retard instead of advance the objects we seek to accomplish. Another failure at Tientsin might greatly add to our future difficulties.

If the instructions from my Government received by the next mail are such as to enable me to arrange satisfactorily with the British Admiral as to the disposal of Her Majesty's ships in China, it is my purpose to proceed to Shanghai, and I shall with the utmost unreserve

re-discuss with Your Excellency the various topics connected with our common interests in these regions. It may also be hoped that the Imperial Government of France will have been enabled to give some attention to these important matters, and we may be able better to ascertain whether any and what amount of co-operation is to be expected from the French Legation.

JOHN BOWRING.

## APPENDIX V

SIR J. BOWRING TO LORD CLARENDON

No. 260.

SUPERINTENDENCY OF TRADE,  
HONGKONG, 21 August, 1856.

MY LORD,

Referring to my despatch No. 200, dated the 1st Ultimo, I have the honour to forward copy of a letter I have just received from the United States' Commissioner and of my reply to same dated this day.

My opinion is unchanged as to the hopelessness of obtaining any important concessions from the Chinese by isolated action, unaccompanied by the presence of an imposing force. I have reason to believe that large bribes have been clandestinely offered to strangers if they would purchase foreign assistance for the Imperialists, but so as not to compromise the dignity of the Emperor, or lead his subjects to suppose that he owed anything to Western Barbarians, which is no doubt "the manner peculiarly Chinese" to which Dr. Parker refers. But while my conviction is strengthened that our interests in China are exposed to certain peril by a continuance of the present state of things, and of our utter inaction in the midst of so much anarchy and disorder, I should be less willing than ever to see the British Government interfering with the internecine quarrel and step beyond what is necessary for the protection of British person and property, and the security and extension of Trade, nor could I advise participation in that policy of intervention which is darkly indicated in Dr. Parker's despatch.

I have had a visit from the French Chargé d'Affaires, who has received instructions from his Government as to the objects to be sought for on a revision of Treaties, but the Count de Courcy has no powers to treat. Count Walewski places the objects to be sought for by negotiation in the following order of importance:

*First.* Resident Ministers at Peking. As to the importance of this object there can hardly be two opinions.

*Second.* Residence of Chinese Ministers at the Courts of Paris, London and Washington. There is no objection to this, but I do not attach much value to the suggestion; nor do I think it is at all likely to be entertained by the Chinese, at least for the present.

*Third.* Extension of commercial relations. This is a question of consummate interest.

*Fourth.* Universal Liberty of opinion.

*Fifth.* Reform of all the Courts of Judicature.

With reference to these two last, which are most benevolent suggestions of Dr. Parker, I confess after having endeavoured to learn Dr. Parker's more definite meaning and intentions I cannot see my way to Diplomatic action. The moral influence of Western nations may, in the progress of centuries of intercourse, change the opinions, meliorate the codes, and reform the tribunals of three or four hundred millions of men, moulded to systems whose tenacity has been the growth of more than a hundred generations. But the task is out of all measure beyond the compass of my aptitudes, and in my judgment we must content ourselves with negotiations of a more practical and less ambitious character.

The correspondence conveyed to Your Lordship from the Gulf of Pecheli embraces I believe almost every topic which should now become the subject of negotiation. I have gone over that Correspondence with the Count de Courcy, and he has found nothing to suggest in addition to the demands there made. But further experience has given some additional materials for the better understanding and settlement of points somewhat embarrassing in their details—questions of piracy, emigration, currency, and Tariff reform.

I resume the conclusion at which I have arrived, and in which the French Chargé d'Affaires concurs: that a respectable fleet of ships of war to represent each of the Treaty Powers—accompanied by light steamers to enable the three Ministers to ascend the Tientsin river up to the city of that name—should meet in the Gulf of Pecheli in the month of May or June next. That the Ministers be instructed to proceed if possible directly to the Capital and to present their credentials there.

I should feel difficulty in suggesting what course negotiations should take, or what topics should be first entered on, so much must depend upon our reception and the events contingent thereon, while the position of the Chinese Government itself may be greatly altered before another summer arrives.

While I deem the presence of an imposing force, things remaining in anything like their present condition, as absolutely necessary for the accomplishment of any important object, I think it is quite possible that the presence of such a force might lead to the withdrawal of the whole Court into Manchuria and a refusal to enter upon further negotiations. I imagine such a refusal would not be a serious—at all events a lasting—injury to our trading relations, even should it be determined to declare the existing Treaties void from the want of good faith on the part of the Chinese Government, in denying the right of revision. Our trade, not only with the five Ports but with other places, would undoubtedly require protection, but the Chinese Government would be too weak to enforce the prohibition of trade against our protecting presence—and the principal result to the Chinese Government would be the loss of large revenue and an enormous increase of disaffection in the vast Tea and Silk producing districts and among the multitudes who profit by foreign intercourse. But Your Lordship must be prepared for great changes. They are, in my judgment, inevitable, whether or not we desist from action; I have no doubt that non-action is by far the most perilous policy, and that its perils will increase with time.

While making non-intervention in the Chinese Domestic quarrel the great outline of policy, I can, however, see the possibility of obtaining commercial privileges of great importance to us, and whose concession would practically be a great benefit to the Imperial Treasury, for example that vessels and merchandise having paid duty in any one of the opened

ports of China—to which Tientsin ought certainly to be added—should be free under Chinese certificates, and protected by the flag of the Treaty Powers in every other port of China. This would open to us the Yangtze-Kiang and other great rivers, and is a condition which I have some reason for hoping might be arranged, and to which I think we might find the means of giving effect.

JOHN BOWRING.

ENCLOSURE NO. 1 IN DESPATCH NO. 260

DR. PETER PARKER TO SIR J. BOWRING

SHANGHAE, 12 August, 1856.

SIR,

On my arrival at Shanghai on the 1st Instant, I had the honour to receive Your Excellency's valued Despatch of the 1st Ultimo.

The wisdom and experience which characterize the sentiments therein conveyed have not failed to leave their due impression upon my mind, and if in the sequel I fail to adopt them, it will not be from choice. The absolute necessity of the display of a becoming Naval Armament to support Diplomatic Authority has never for a moment been lost sight of in all my communications with my Government, and I believe it is providential, rather than intentional, that I find myself destitute of it.

My embarrassment was extreme on learning upon my arrival at this port the accident to the U.S.S. Frigate "San Jacinto" which I had expected to be at Shanghai by this date, instead of a month hence.

Such is the dilemma in which I find myself placed that I have seriously contemplated abandoning my expedition to the North for the present season and returning at once to the South, but have now determined to remain another month, trusting new light may illumine my path, which at present is dark in the extreme.

The Imperial Commissioner in the South has been notified of the purpose of the United States' Government to seek a revision of the existing Treaty the present year. Communications to the same effect from the President of the United States to the Emperor of China have already been transmitted through His Excellency the Viceroy of the Min and Cheh Provinces, and before this have probably reached their destination. Now to fail to advance in accordance with these intimations, without sufficient cause, will be to compromise the character of my Government in the estimation of that of China.

But there are other considerations which forbid that the present season should be suffered to pass without an attempt to approach Peking on the part of at least one of the three Western Powers.

That the Ta-Tsing Rulers now feel in an unprecedented degree the extremities to which the internal movement has reduced them admits not a doubt. I have evidence conclusive that they are already contemplating the expediency of seeking foreign aid against their domestic foe, but in a manner peculiarly Chinese. Were the Ministers of Great Britain, France and the United States now in readiness to present themselves at Peking, I am confident most important consequences might follow. Convinced that they appear in the character of true Friends to the reigning Dynasty the

Emperor and Cabinet may be delighted to receive directly and openly what is now sought covertly.

I need not assure Your Excellency with what delight I shall hail the event if the next Mail should bring the desired instructions and authority from Her Majesty's Government and from the Imperial Government of France.

PETER PARKER.

ENCLOSURE NO. 2 IN DESPATCH NO. 260

SIR J. BOWRING TO DR. PETER PARKER

No. 182.

HONGKONG, 21 August, 1856.

SIR,

I have received Your Excellency's interesting despatch dated Shanghai, 12th August.

If in spite of the delays and difficulties Your Excellency has experienced you are still able to reach the Tien-tsin river and enter upon useful negotiation during the present season, I shall most heartily rejoice in your success, and it is quite possible that in its extremity the Chinese Cabinet may be more willing than it has hitherto shown itself to lend a favourable ear to the representations of friendly powers.

But if the reference in Your Excellency's despatch to "foreign aid against their domestic foe" which "the Emperor and Cabinet may be delighted to receive directly and openly" implies an interference with internal questions beyond the limits which the protection of commercial interests, and of the persons and property of British Subjects, may prescribe, in other words if the Imperial Government should make the armed intervention of Great Britain in its favour, the condition of concessions political or commercial, I think it desirable at once to advise Your Excellency that I am not authorized to promise such intervention—all my instructions imposing on me the necessity of preserving an absolute neutrality in regard to political dissensions among the Chinese.

If after all Your Excellency should find it impossible to make the needful arrangements for visiting the Gulf of Pechili during the present season, I shall be most happy to discuss with you the measures which it may be desirable to recommend to our respective Governments with a view to that cordial co-operation and efficient action which may be determined on for the coming year, to which co-operation and action I mainly look for the improvement of our relations with China.

According to the latest news I have received from the British Admiral he may be expected to reach this harbour in the course of the next month.

I have had an opportunity of discussing with the Count de Courcy the instructions he has received from his Government, which gives him no immediate hope of having any maritime force at his disposal;—meanwhile he has received no powers from the Emperor to enable him to enter upon negotiations.

JOHN BOWRING

## APPENDIX W

### IMPERIAL RESCRIPT GRANTING TOLERATION TO CHRISTIANITY.

KIVING, imperial commissioner, minister of state, and governor-general of Kwangtung and Kwangsi, respectfully addresses the throne by memorial.

On examination it appears, that the religion of the Lord of Heaven is that professed by all the nations of the west ; that the main object is to encourage the good and suppress the wicked ; that, since its introduction to China during the Ming dynasty, it has never been interdicted ; that subsequently, when Chinese, practising this religion, often made it a covert for wickedness, even to the seducing of wives and daughters, and to the deceitful extraction of the pupils from the eyes of the sick, government made investigation and inflicted punishment, as is on record ; and that, in the reign of Kiaking, special laws were first enacted for the punishment of the guilty. The prohibition therefore was directed against evil-doing under the covert of religion, and not against the religion professed by western foreign nations.

Now the request of the French Ambassador, Lagrené, that those Chinese who, doing well, practise this religion, be exempt from criminality, seems feasible. It is right, therefore, to make request, and earnestly to crave celestial favour, to grant that, henceforth, all natives and foreigners without distinction, who learn and practise the religion of the Lord of Heaven, and do not excite trouble by improper conduct, be exempted from the charge of criminality. If there be any who seduce wives and daughters, or deceitfully take the pupils from the eyes of the sick, walking in their former paths, or are otherwise guilty of criminal acts, let them be dealt with according to the old laws. As to those of the French and other foreign nations, who practise the religion, let them only be permitted to build Churches at the five ports opened for commercial intercourse. They must not presume to enter the country to propagate religion. Should any act in opposition, turn their backs upon the treaties, and rashly overstep the boundaries, the local officers will at once seize and deliver them to their respective consuls for restraint and correction. Capital punishment is not to be rashly inflicted, in order that the exercise of gentleness may be displayed. Thus peradventure the good and the profligate will not be blended, while the equity of mild laws will be exhibited.

This request, that well-doers practising the religion may be exempt from the charge of criminality, he (Kiyung), in accordance with reason and his bounden duty, respectfully lays before the throne, earnestly praying the august Emperor graciously to grant that it may be carried into effect. A respectful memorial.

Taokwang, 24th year, 11th month, 19th day (December 28th, 1844), was received the rescript from the vermilion pencil, " Let it be according to the counsel (of Kiyung)." This from the Emperor.

## APPENDIX X

### IMPERIAL DECREE ORDERING RESTORATION OF CHURCH PROPERTY

KIYING of the imperial clan, Junior Guardian of the heir apparent, a vice high chancellor, a President of the Board of War, a member of the Censorate, governor-general the Two Kwang, etc., etc., and Hwang, Vice-President of the Board of War, governor of Kwangtung, etc., etc., having respectfully copied out, promulgate the following imperial decree, received the 20th of February, 1846, in reply to a memorial laid before the throne for the purpose of securing immunity to those who profess the religion of the Lord of Heaven.

"On a former occasion Kiyang and others laid before US a memorial, requesting immunity from punishment for those who, doing well, profess the religion of heaven's Lord; and that those who erect churches, assemble together for worship, venerate the cross and pictures and images, read and explain sacred books, be not prohibited from so doing. This was granted. The religion of the Lord of Heaven, instructing and guiding men in well-doing, differs widely from heterodox and illicit sects; and the toleration thereof has already been allowed. That which has been requested on a subsequent occasion, it is right in like manner to grant.

"Let all the ancient houses throughout the provinces, which were built in the reign of Kanghi, and have been preserved to the present time, and which, on personal examination by the proper authorities, are clearly found to be their bona fide possessions, be restored to the professors of this religion in their respective places, excepting only those churches which have been converted into temples and dwelling houses for the people.

"If, after the promulgation of this decree throughout the provinces, the local officers irregularly prosecute and seize any of the professors of the religion of the Lord of Heaven, who are not bandits, upon all such the just penalties of the law shall be meted out.

"If any under a profession of this religion do evil, or congregate people from distant towns seducing and binding them together; or if any other sect or bandits, borrowing the name of the religion of the Lord of Heaven, create disturbances, transgress the laws or excite rebellion, they shall be punished according to their respective crimes, each being dealt with as the existing statutes of the empire direct.

"Also, in order to make apparent the proper distinctions, foreigners of every nation are, in accordance with existing regulations, prohibited from going into the country to propagate religion.

"For these purposes this decree is given. Cause it to be made known. From the emperor."

As it behoveth us, we, having copied out, promulgate the decree. Let all the officers, the military and the people understand and yield the obedience that is due. Oppose not. A special proclamation. March 18th, 1846.

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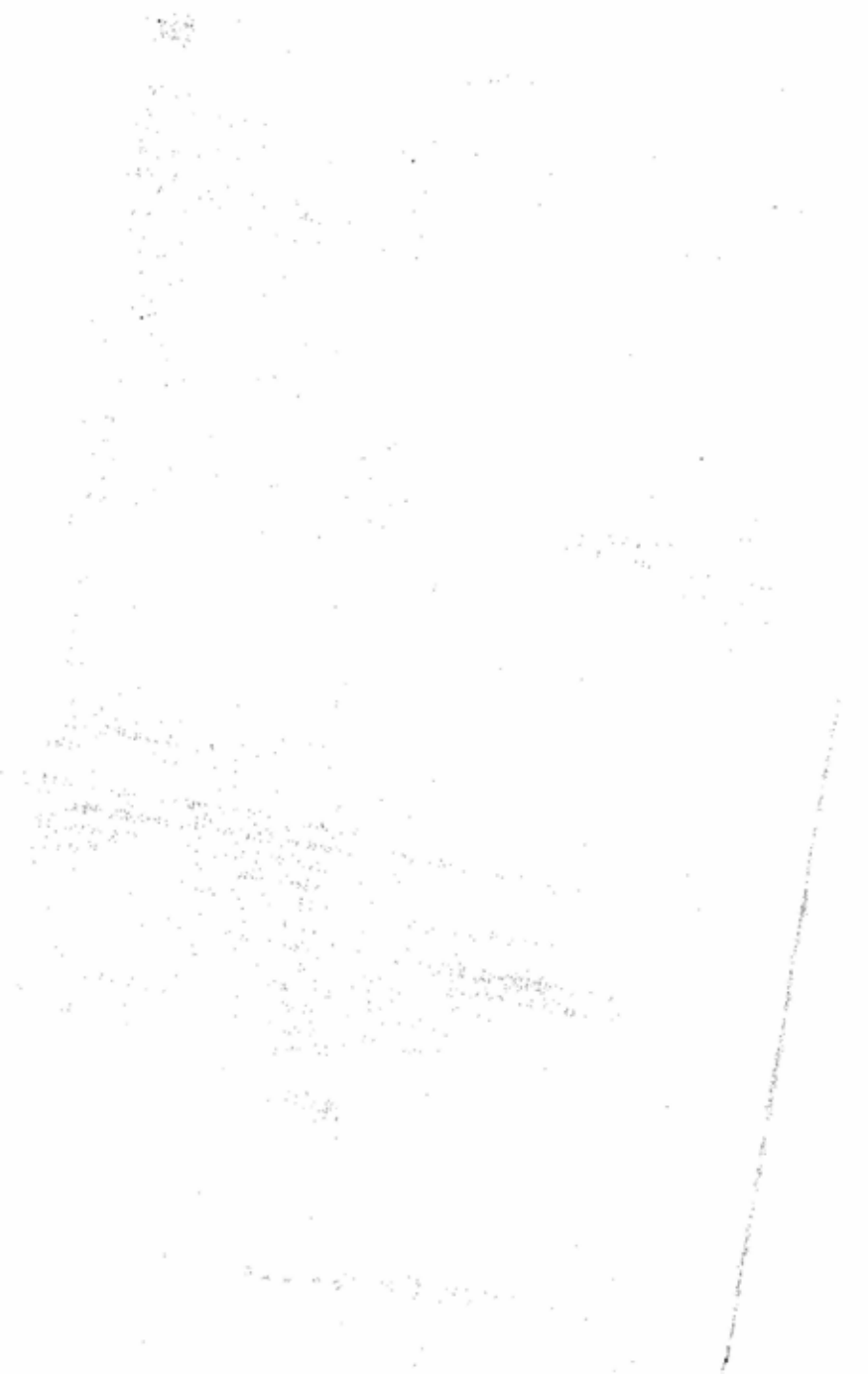
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# CHINA

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Metric Scale 1:3,050,000

Published by the National Geographic Society

First issued in 1909. This edition revised in 1922.

Revised by the National Geographic Society

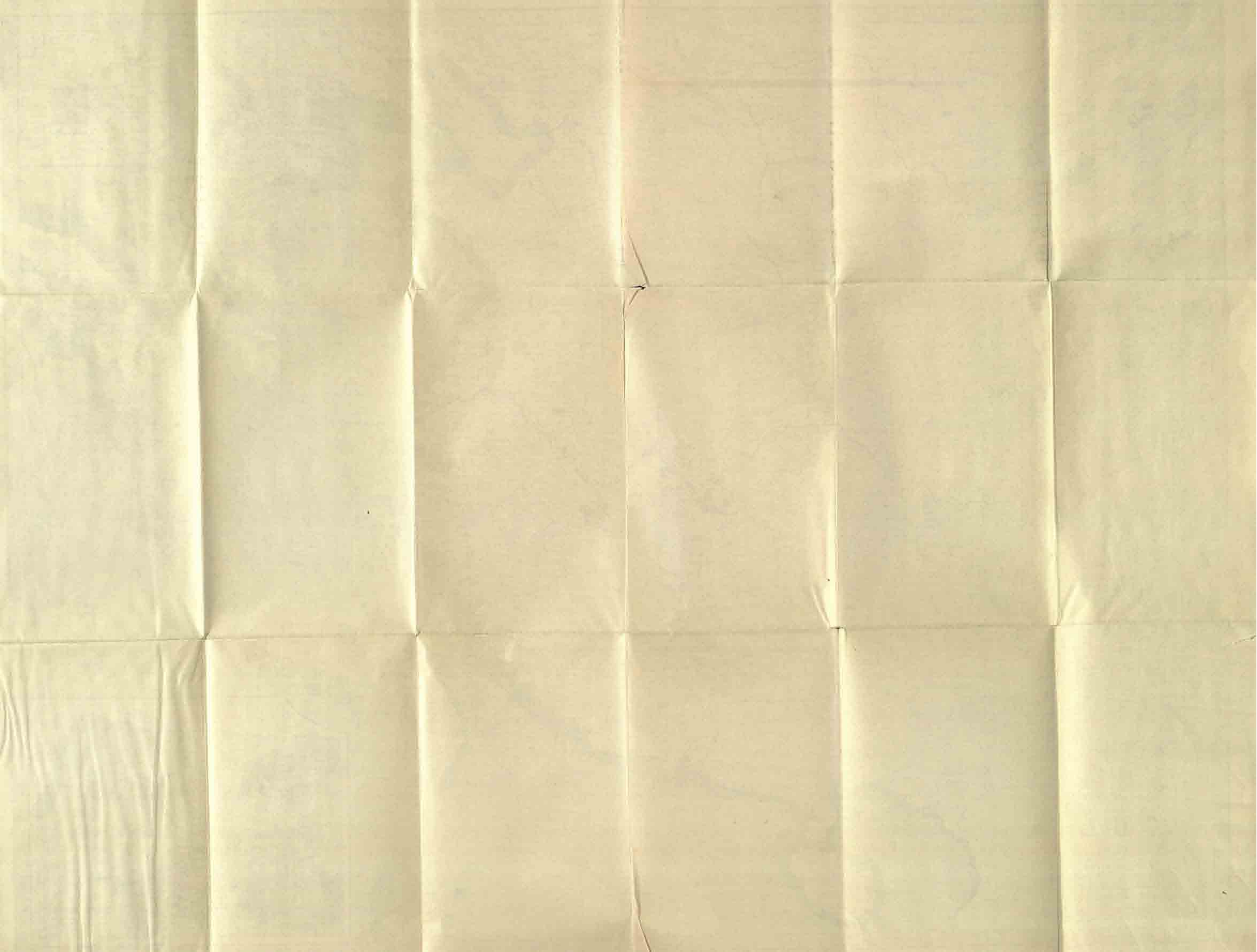
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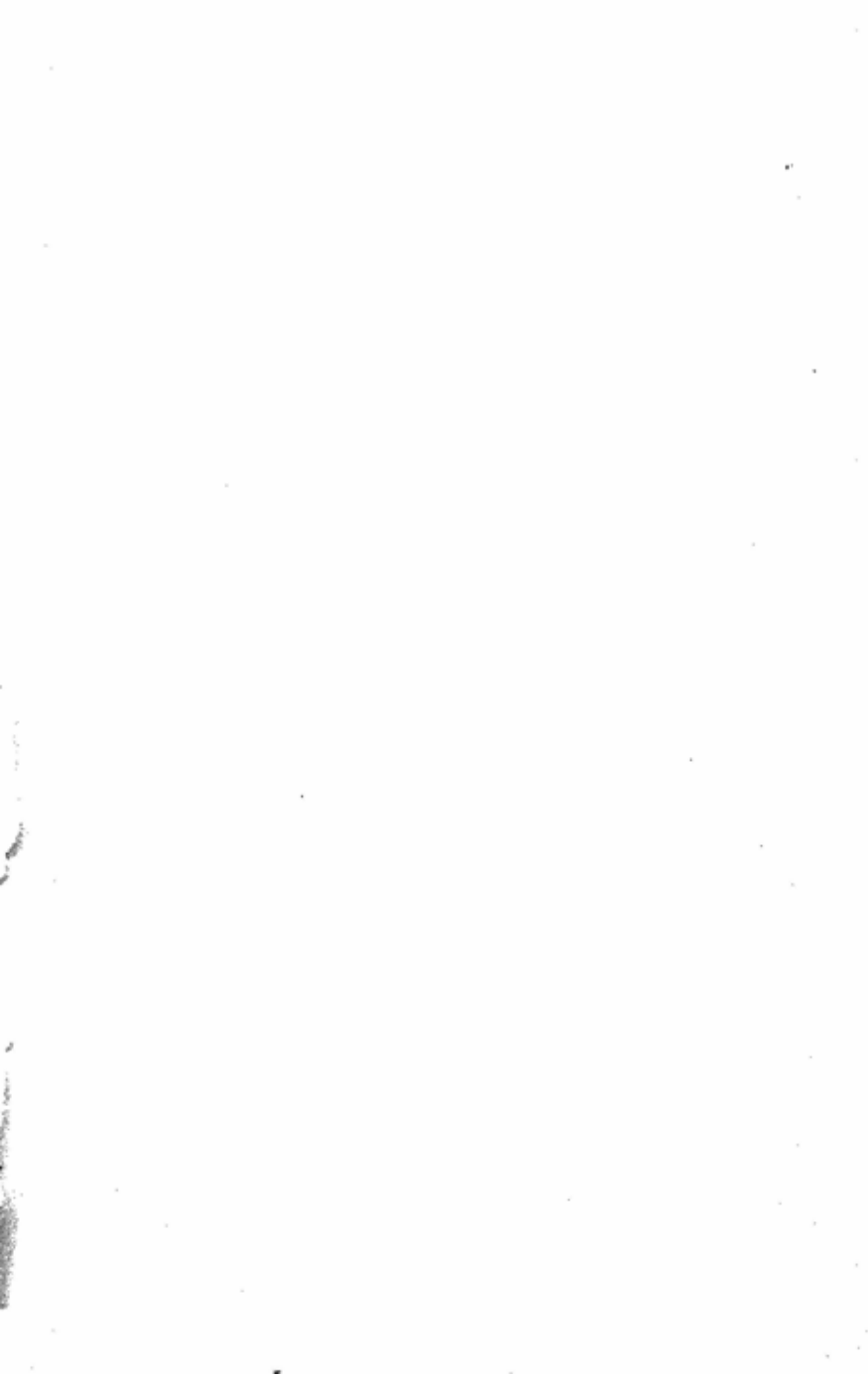
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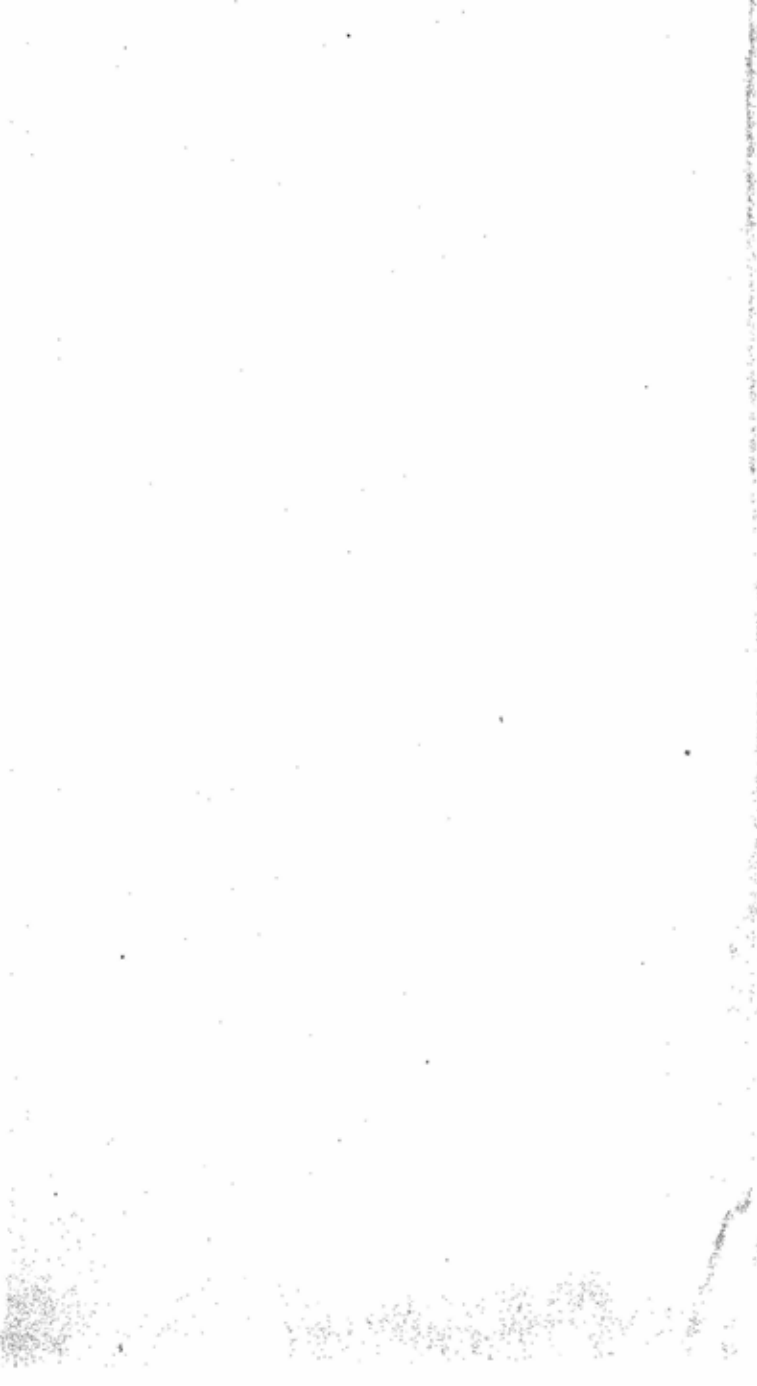
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